ORIGINAL PAPERS;

WITH AN

AUTHENTIC STATE

OF THE

PROOFS and PROCEEDINGS

BEFORE THE

CORONER's INQUEST,

Which was aſſembled at MADRAS, upon the Death of LORD PIGOT, on the 11th Day of May 1777;

LIKEWISE

The Subſequent PROOFS and PROCEEDINGS before the JUSTICES at MADRAS, with the OPINIONS of the JUDGES of the SUPREME COURT of JUDICATURE in BENGAL.

To the whole are ſubjoined,

The DEFENCE of MR. STRATTON, and the other MEMBERS of COUNCIL, accuſed by the Verdict of the CORONER's INQUEST; and the Separate DEFENCE of Brigadier-General STUART, for himſelf and the MILITARY under his Command, &c.

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pened to Lord Pigot, from the day of his arreſt, on the 24th of Auguſt, 1776, to the day of his death, on the 11th of May, 1777, pronounce a Verdict, that *George Stratton*, *Henry Brooke*, *Charles Floyer*, *Archdale Palmer*, *Francis Jourdan*, and *George Mackay*, in the civil ſervice of the Eaſt India Company at Madras, and *Brigadier-general Sir Robert Fletcher*, *Colonel James Stuart*, *Lieutenant-colonel James Eidingtoun*, *Adjutant general*, and *Captain Arthur Lyſaght*, in the ſaid Company's ſervice at Madras, and *Major Matthew Horne*, commanding the corps of artillery in the ſaid Company's ſervice, then ſtationed at St. Thomas's Mount, did, in manner, and by the means therein recited, *feloniouſly*, *voluntarily*, *and of their malice forethought*, *kill and murder* the ſaid George Lord Pigot; and that a *ſerjeant and ſepoys*, therein deſcribed, and *certain officers and ſoldiers belonging to the corps of artillery*, and *another ſerjeant*, and *other ſepoys* ſtationed at the Garden-houſe, all of whom were to the Jurors as yet unknown, were at divers times preſent, aiding, abetting, aſſiſting, and maintaining the ſaid George Stratton, Sir Robert Fletcher, and the other perſons before named, to do and commit the felony and murder aforeſaid Page 128

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DIARY

DIARY

OF AN

INQUEST, *holden before me* George Andrew Ram, *Coroner of our Lord the King for the Town and Diſtricts of* Madraſpatnam, *on* Sunday *the* 11*th of* May, 1777, *in the Afternoon, at the Company's Garden-Houſe, diſtant about a Mile from* Fort St. George, *and in the Diſtricts of the ſaid Town, on the View of the Body of* GEORGE *Lord* PIGOT, *Baron* PIGOT *of* Pattiſhull *in the Kingdom of* Ireland, *then and there lying dead; and, by Adjournment, at the Houſe of* George Smith, *Eſq; Foreman of the ſaid Inqueſt in* Fort St. George.

THE Coroner received a letter from the Hon. Edward Monckton, Eſq; (ſon-in-law to the deceaſed) acquainting him with the death of Lord Pigot, and requeſting him to hold an Inqueſt on the body, of which the following is a copy. 1777. May 11th.

SIR, *Company's Garden-houſe, the* 11*th May,* 1777.
The Right Hon. Lord Pigot having died under confinement this morning at the Company's Garden-houſe at 11 o'clock, I am to requeſt that you will be ſo good to hold an Inqueſt upon the body before it is removed.

I am, SIR,
Your moſt obedient Servant,
EDWARD MONCKTO.

Mr. Ram, Coroner.

The

The Coroner hereupon issued his summons, of which the following are Copies.

To Messrs. *George Smith*,
1. *Andrew Ross*,
2. *George Baker*,
3. *Thomas Powney*,
4. *Thomas Pelling*,
5. *John D'Fries*,
6. *Robert Ewing*,
7. *George Taswell*,
8. *Alexander Cuthbert*,
9. *Robert Farquhar*,
10. *William Parsons*,
11. *Quintin Crawford*,
12. *John Turing*,
13. *Andrew Majendie*,
14. *George Savage*,
15. *Edward John Holland*,
16. *George Proctor*,
17. *Hall Plumer*,
18. *William Sedgley*,
19. *William Ross*,
20. *Kenelm Digby*.

Gentlemen,

I request your attendance, to hold an Inquest on the body of George Lord Pigot, deceased, under confinement at the Company's Garden-house; for which purpose I beg the favour of you to meet me at the said Garden-house, at 3 o'clock in the Afternoon.

I am, Gentlemen,
11 May, 1777. Your most obedient Servant,
G. A. Ram, Coroner.

To Messrs. Pasley, Anderson, and Mallet, Surgeons.

Gentlemen,

I request your attendance on an Inquest, to be holden on the body of George Lord Pigot, at 3 o'clock this afternoon, at the Company's Garden-house.

I am, Gentlemen,
11th May, 1777. Your most obedient Servant,
G. A. Ram, Coroner.

1777. 11th May, 3 o'clock, P. M. A little before three o'clock the Coroner repaired to the Company's Garden-house, where he found the Hon. Edward Monckton, Esq; Claude Russel, John Maxwell Stone, Esqrs. Mr. Pasley, the surgeon who attended his Lordship during his sickness, and some other gentlemen who came to attend the funeral. Soon after the following gentlemen attended.

1. Messrs.

1. Meſſrs. *George Smith,*
2. *Andrew Roſs,*
3. *George Baker,*
4. *Thomas Powney,*
5. *Thomas Pelling,*
6. *John D'Fries,*
7. *Robert Ewing,*
8. *George Taſwell,*
9. *Alexander Cuthbert,*
10. *Robert Farquhar,*
11. *William Parſons,*
12. *John Turing,*

Edward John Holland,
William Sedgley,
William Roſs,
Kenelm Digby.

The Coroner having called over the firſt Twelve, acquaints the Gentlemen preſent, that he has never, upon any prior occaſion, ſworn in a larger number than Twelve, he therefore does not think it proper to make any alteration in his practice on this occaſion. 1777. 11th May, 3 o'clock, P. M.

About half an hour paſt three, the Jury being ſworn over the body; the ſurgeons are called. Mr. Paſley, Senior Surgeon, is ſworn, and the following queſtion is put to him:

Queſtion. Whether, from a further inſpection of his Lordſhip's body, and particularly from opening it, he can with greater certainty trace the cauſe of his Lordſhip's death. Mr. Paſley replies, that a diſeaſe was the immediate cauſe of his Lordſhip's death, that he apprehends the Jury are deſirous of knowing the cauſe of that diſeaſe, and that in his opinion the cauſe of the diſeaſe of which his Lordſhip died, cannot be diſcovered by opening the body.

The ſame queſtion is put to Mr. Anderſon, which he anſwers to the ſame effect as Mr. Paſley. Mr. Anderſon acquaints the Jury, that he has brought the proper inſtruments if the Jury ſhould think it neceſſary to open the body.

The Jury conſidering, that if the ſurgeons cannot acquire any further knowledge of the cauſe of the diſeaſe of which his Lordſhip died by opening the body, they, the Jurors, cannot; they therefore think it unneceſſary that the body ſhould be opened.

The family of the deceaſed being deſirous that the body ſhould be buried this evening, the Coroner adjourns the Jury till nine o'clock to-morrow forenoon, at the houſe of Mr. George Smith, Foreman on this inqueſt. The Coroner gives permiſſion to bury the body.

1777. Monday, 12 May, 9 o'clock. The Jury being met at the houfe of Mr. George Smith, their Foreman, they came to a refolution to examine all the witneffes feparately. The Coroner acquaints the Jury with the order, in which he propofes to call upon the witneffes, which is approved of.

10 o'clock. Mr. Monckton is then called in and fworn. (See the evidence of Edward Monckton, Efq.) The Jury defire to be adjourned till to-morrow morning at nine o'clock at the fame place. They are accordingly adjourned.

1777. Tuefday, 13 May, 9 o'clock, A. M. The Jury being affembled at the houfe of their Foreman, Mr. George Smith, Mr. Claude Ruffel is called in and fworn. (See the evidence of Claude Ruffel, Efq.) The Jury are adjourned till three o'clock in the afternoon. 3 o'clock, P. M. The Jury being affembled at the houfe of their Foreman, Mr. Ruffel proceeds with his evidence. (See the evidence of Claude Ruffel, Efq.) 8 o'clock. The Jury adjourn till nine o'clock the next morning.

Wednefday, 14 May, 9 o'clock, A. M. The Jury being affembled at the houfe of their Foreman, Mr. George Smith, Mr. Ruffel is called in and afked, if he recollects any thing material relative to the death of Lord Pigot, which he might have forgot the day preceding. Mr. Ruffel anfwers, That he does not recollect any thing material. He is then told, that the Jury have no further occafion for his attendance at that time. Mr. Ruffel withdraws, and it is propofed to examine Mr. Monckton further; but he being out of town, the Coroner propofed to the Jury to confider of fuch queftions as may be proper to put to the furgeons.

It is refolved to put feveral queftions to the furgeons for the information of the Jury, how far anxiety, difappointment, and, in general, whatever affects the mind, will operate on the body, in caufing or increafing difeafes, as well as to examine them relative to the particular difeafe of which Lord Pigot died. It is alfo refolved, that the evidences already taken be read to the furgeons, that they may be fully acquainted with every circumftance of Lord Pigot's confinement, and the treatment he met with in that confinement.

Several of the jurors declaring that they cannot attend this evening without confiderable prejudice to their private affairs, the Jury 12 o'clock. are adjourned till nine o'clock the next morning.

The

The Jury being aſſembled at the houſe of their Foreman, Mr. George Smith, Mr. Monckton is called in, and proceeds with his evidence. (See the evidence of the Honourable Edward Monckton, Eſq.) The Jury are adjourned till four o'clock in the evening. Thurſday, 15 May, 9 o'clock, A. M.

The Jury having met, Mr. Monckton proceeds with his evidence. (See the evidence of the Honourable Edward Monckton, Eſq.) Mr. Monckton having finiſhed his evidence, the Jury called upon Mr. William Sedgley, who is ſworn, and gives his evidence. (See the evidence of Mr. William Sedgley) The Jury are adjourned till nine o'clock next morning. 4 o'clock.

The Jury being aſſembled at the houſe of their Foreman, Mr. George Smith, Mr. Stone is called in and ſworn; he gives his evidence. (See the evidence of John Maxwell Stone, Eſq.) The Jury are adjourned till four o'clock in the evening. Friday, May 16th. 9 o'clock, A. M. 1 o'clock.

The Jury being aſſembled, Mr. Nutting, ſervant to the deceaſed, is called in and ſworn to give his evidence. (See the evidence of Mr. Joſeph Nutting.) Mr. Halliburton is called in and ſworn, and gives his evidence. (See the evidence of Mr. David Halliburton.) The Jury adjourn till nine o'clock to-morrow morning. 4 o'clock. 7 o'clock. 8 o'clock.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, Mr. Paſley is called in, the evidence of Meſſrs. Monckton, Ruſſel, Stone, Nutting, Sedgley, and Halliburton are read to him, he proceeds to give his evidence. (See the evidence of Mr. Gilbert Paſley, ſurgeon.) The Jury are adjourned till four o'clock in the evening. The Jury being aſſembled, Mr. Anderſon is called in, the evidence of Meſſrs. Monckton, Ruſſel, Stone, Nutting, Sedgley, and Halliburton are read to him, he proceeds to give his evidence. (See the evidence of Mr. James Anderſon, ſurgeon.) Saturday, May 17th. 9 o'clock, A. M. 1 o'clock. 4 o'clock.

To-morrow being Sunday, and no material inconvenience attending an adjournment till Monday, the Jury are therefore adjourned till nine o'clock the Monday morning following. 8 o'clock.

The Jury being aſſembled at the houſe of their Foreman, Mr. George Smith, Mr. Davies is called in. Before he is ſworn he obſerves to the Coroner, that though he himſelf has no material doubts of the legality of Mr. Ram's ſummoning him, ſtill as it was made mention. Monday, May 19. 10 o'clock, A. M.

tion of, that Mr. Ram has been legally difmiffed by the Juftices of the Quarter Seffions, he (Mr. Davies) begs to be fatisfied of the legality of Mr. Ram's fummons.

Mr. Ram obferves, in anfwer hereto, that he was fworn into the office of Coroner in the open court, Mr. Jofias Du Pré then fitting as Chief Judge on the Bench, and Mr. Warren Haftings as fecond; that he has officiated in that capacity for upwards of fix years. He then produces the authorities of Serjeant Hawkins and Judge Blackftone, that the office of Coroner is for life, unlefs removed by the King's writ, *de coronator. exonerando,* for a caufe to be therein affigned; that the perfons who had attempted to remove him had not produced any fuch writ, or fhewn any fufficient caufe for his removal; that he therefore looked upon this attempt as altogether illegal, and had acquainted thofe perfons in a letter, that he was not fatisfied as to the legality of their intended removal.

Mr. Ram further acquaints Mr. Davies, that he had heard that another Coroner has been appointed; but that this appointment can in noways fufpend Mr. Ram from his office, fince it is ufual in England to have two or more Coroners for the fame diftrict.

May 19, 10 o'clock, A. M. Mr. Davies, being perfectly fatisfied of Mr. Ram's authority as Coroner, is fworn. The evidence read to Meffrs. Pafley and Anderfon are read to him. He gives his evidence. (See the evidence of Mr. Thomas Davies, furgeon.)

May 19, 11 o'clock. Mr. William Mallet is next called in. Before he is fworn he begs leave to afk Mr. Ram the following queftion: Whether on a late occafion, on Major Horne's application, Mr. Ram did or did not refufe officiating in the office of Coroner? Mr. Ram anfwers, That Major Horne did fometime before Lord Pigot's confinement acquaint him with the premature death of an artillery-man at the Mount, whereupon he repaired thither and held an inqueft on the body. (The Jury brought in their verdict accidental death.) Since which time he has never had any intimation of the death of any one from Major Horne, though he did hear from others that an artillery-man died fuddenly at the Mount fince Lord Pigot's confinement; and that an inqueft had been held on the body by Mr. John Balfour, who was appointed a Coroner at the Seffions held in October laft.

Mr.

Mr. Mallet being ſatisfied on this head, is ſworn, and proceeds to give his evidence. (See the evidence of William Mallet, ſurgeon.)

The Jury are adjourned till three o'clock in the evening. 1 o'clock.

The Jury being aſſembled, Mr. Mallet proceeds with his evidence. (See the evidence of William Mallet, ſurgeon.) 3 o'clock, P. M.

The Coroner acquaints the Jury, that as Mr. Latham is come to Madraſs from Cuddalore, he propoſes to call upon him for his evidence. May 19. 3 o'clock.

Mr. Latham is called in and ſworn. He proceeds to give his evidence. (See the evidence of Richard Latham, Eſq;) The Jury deſire to call upon Commodore Sir Edward Hughes, commander in chief of his Majeſty's ſhips in India, ſeveral of the witneſſes having made mention of Sir Edward's name. The Jury are of opinion he can give them ſatisfaction on ſeveral points, of which otherwiſe they cannot acquire a ſufficient knowledge. 4 o'clock, P. M.

Mr. George Smith the Foreman of this Jury acquaints the Coroner and the Jurors, that, the Mayor being out of town, he muſt aſſiſt as Senior Alderman at the Mayor's Court ; the Jury are therefore adjourned to nine o'clock the Wedneſday morning following. 8 o'clock, P. M.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, Sir Edward Hughes is called in. Before he is ſworn, he obſerves to the Coroner and Jury, that in the late unhappy diſputes at this place he has been addreſſed by both ſides : that he never took upon him to judge of the legality of the preſent government : that the part he thought it was his duty to take was, that of giving the aſſiſtance of his Majeſty's ſquadron under his command where he found the power to carry on the Company's ſervice for the public good, agreeable to his inſtructions ; and on the ſame principle, he does not take upon him to judge of the legality of this Inqueſt : that he is nevertheleſs ready to give the gentlemen any information on the points they may deſire of what may have come to his knowledge, and conſiſtent with the ſtation he is in. Wedneſday, 21 May, 9 o'clock.

He further obſerves to the Coroner and Jury, that after what he has ſaid, he ſhould ſuppoſe that the information on his word would

be ſufficient; yet that he may be no impediment to their Inquiry, and the Coroner informing him that it is indiſpenſible, he ſhall not object to being ſworn on this occaſion.

Sir Edward Hughes is accordingly ſworn, and proceeds to give his evidence. (See the evidence of commodore Sir Edward Hughes.)

11 o'clock. Tellaſinga is called in and ſworn. He gives his evidence. (See the evidence of Tellaſinga.)

21 May, 12 o'clock, A. M. Mr. Hamilton is called in and ſworn. He gives his evidence. (See the evidence of Mr. William Hamilton.) The Coroner adjourns the Jury till 9 o'clock next morning.

Thurſday, 22 May, 10 o'clock. The Jury being aſſembled at the houſe of their Foreman, Mr. George Smith, the Coroner lays before the Jury an authentic copy from the Records from the Mayor's-court, under the ſeal of that court, containing extracts from the Minutes of a court held on Saturday the 31ſt day of Auguſt 1776, extracts from the Minutes of a court held on Monday the 2d of September 1776, the oath of George Lord Pigot, read and filed in the ſaid court the 11th of October 1776. The Coroner alſo lays before the Jury a copy of a proclamation, publiſhed in this garriſon of Fort St. George, and affixed to the gates of the ſaid fort on the 25th of Auguſt laſt, which the Coroner informs them, he believes to be a true copy of the original proclamation affixed to the Sea-gate, which he ſaw and read attentively.

Theſe being read to the Jury, the Coroner informs them, that he believes the evidence before them is ſufficient; that he has many things to obſerve to them on the ſubject of the preſent inquiry, and therefore requeſts that they will allow him till next day. The Jury, conſidering that the evidence has been very long, are deſirous that the Coroner may have a longer time than he has requeſted, and Saturday next being a day on which the greater part of them have buſineſs which cannot well be diſpenſed with, they deſire to be adjourned till Monday next, being the 26th of May. They are accordingly adjourned to that time.

Monday, 26 May, 10 o'clock, A. M. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, ſome of the Jurors deſire that Meſſrs. Ruſſel and Monckton may be called upon, they having ſome further queſtions

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to put to them, Mr. Ruffel is accordingly called in and proceeds with his evidence. (See the evidence of Claude Ruffel, Efq.)

The Jury are adjourned till 5 o'clock in the evening. 1 o'clock.

The Jury being affembled, Mr. Monckton is called in and proceeds with his evidence. (See the information of the Honourable Edward Monckton, Efq.) 5 o'clock. P. M.

The Jury are adjourned till 9 o'clock the next morning. 7 o'clock.

The jury being affembled at the houfe of their Foreman, Mr. George Smith, the Coroner delivers in his Charge to them in writing, which is read. (See the Charge of the Coroner.) Tuefday, May 27.

The Jury are defirous of having fome time to confider of the Coroner's Charge; alfo fome of the Jury think that the commiffion of Lord Pigot, or an attefted copy of it, will enable them better to determine on their verdict. In confequence,

The Jury are adjourned till Saturday 31ft May, at 9 o'clock in the forenoon. 12 o'clock.

The Jury having affembled at the houfe of their Foreman, Mr. George Smith, the Coroner propofes to call on William Howard, fervant to Mr. Ruffel, who is mentioned in that gentleman's information. Accordingly William Howard is called upon and fworn. He gives his evidence. (See the information of William Howard.) The Coroner produces a copy of the commiffion of Lord Pigot for the government of Madras, figned a true copy, Jofeph Revell. He alfo acquaints them, that Mr. Revell is ready to anfwer fuch queftions as the Jury may think proper to put, relative to the faid copy. Mr. Revell is accordingly called in and fworn. He acquaints the Jury, that the copy which the Coroner has fhewn them was copied and examined by an original copy from the India-houfe, attefted by Mr. Peter Mitchell, Secretary to the Eaft India Company, with whofe hand-writing he is acquainted. (See the information of Mr. Jofeph Revell.) The Coroner lays the faid Copy before the Jury. To-morrow being Sunday, the Jury are adjourned till Monday the 2d of June, at 9 o'clock in the morning. Saturday, May 31.

Monday, 2 June. [1]0 o'clock. A. M.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, one of the Jurors inform them, that he has ſome public official buſineſs which he cannot neglect. The Jury being ſatisfied of the neceſſity which the ſaid Juror is under to attend the buſineſs which he has ſpoken of, the Coroner adjourns the court to Thurſday the 5th inſtant.

Thurſday, June 5.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, Mr. Taſwell acquaints the Coroner and the reſt of the Jury, that he, as Maſter Attendant, is obliged to attend Commodore Sir Edward Hughes upon ſome buſineſs relative to the loſs of the ſhip Marquis of Rockingham. The Jury are therefore adjourned till 9 o'clock to-morrow morning.

Friday, June 6. 10 o'clock, A. M.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, proceed to determine on the firſt previous queſtion propoſed to them by the Coroner, viz. Whether Lord Pigot can or cannot be conſidered as one who died in confinement, when the firſt official notice which his friends received of his releaſe was not till after his Lordſhip's death, and when his life had for ſome days before been deſpaired of by the ſurgeons. The Jury having duly conſidered the evidence relative to this queſtion, are unanimous, that Lord Pigot died in confinement. One of the Jurors acquaints the Coroner and the Jury, that he cannot attend the Inqueſt to-morrow, on account of ſome buſineſs which he cannot neglect without prejudice to his affairs, and the next day being Sunday, the Coroner adjourns the Jury to 9 o'clock on Monday next in the forenoon.

12 o'clock, Monday, June 9.

The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, proceeds to find their verdict. To-morrow, being the ſitting of the Mayor's Court, the Jury are adjourned to Wedneſday the 11th at 9 o'clock in the forenoon.

Wedneſday, 11 June.

The Jury being met at the houſe of their Foreman, Mr. George Smith, Mr. Taſwell informs him, that, as Maſter Attendant, he has been ordered to go down to the wreck of the ſhip Marquis of Rockingham (loſt off the Seven Pagodas, diſtant from Madras about 30 Miles), which buſineſs will probably detain him ſome days; the Jury are therefore adjourned till Monday next, the 17th inſtant.

Monday, 17 June.

The Jury being met at the houſe of their Foreman Mr. George Smith, proceeds to conſider of their verdict. Mr. De Fries repreſents

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to the Coroner and the reſt of the Jury, that his private affairs will not allow him to attend this Inqueſt till Thurſday the 26th, on account of the diſpatch of the Company's ſhip Hector, now about to depart for England.

The Coroner adjourns the Jury to Thurſday the 26th of this month. 12 o'clock.

The Jury being aſſembled at the houſe of Mr. George Smith their Foreman, proceed to conſider of their verdict, the following queſtion is put: Whether the confinement of Lord Pigot, and the treatment he met during that confinement, as it appears on the evidence before the Jury, were or were not the cauſe of his Lordſhip's death? The Jury find that the confinement of Lord Pigot, and the treatment he met with during that confinement, was the cauſe of his Lordſhip's death. The Coroner obſerves to the Jury, that they having found that Lord Pigot died in confinement, and that this confinement was the cauſe of his Lordſhip's death, he, the Coroner, apprehends that the perſons who, from the evidence before the Jury, appear to be principally concerned in confining Lord Pigot, may be materially affected by the final verdict of the Jury, he therefore propoſes, provided he has the approbation of the Jury, and they think that it can be attended with no bad conſequences, to ſummon thoſe perſons to appear before this Inqueſt, that the evidence taken before this jury may be read over to them in preſence of the witneſſes, and that they may have an opportunity to confront the evidences. The Jury having maturely conſidered this matter, are of opinion, that this cannot be done in the ſituation of the preſent government of this ſettlement, without riſking the peace of the community, and ſubjecting this enquiry to inſuperable difficulties; that if the perſons mentioned in the evidence are brought before this Inqueſt, they ought to be brought before them as priſoners, which in the preſent ſituation, and conſidering the Coroner cannot compel obedience to his warrants under the preſent government, cannot be done. The Coroner concurs in opinion with the Jury. The Jury are adjourned to Monday the 30th inſtant. Thurſday, 26 June.

The Jury being aſſembled at the houſe of Mr. George Smith their Foreman, proceed to conſider of their verdict, the following queſtion is propoſed: What denomination in law does the death of Lord Monday, June 30.

 Pigot,

Pigot, occaſioned by his confinement, and the circumſtances of that confinement, come under?

Some of the Jury are earneſt, that the conſideration of this queſtion may be poſtponed till a further day, but the Jury in general being deſirous that the queſtion may be put now, it is put accordingly. The Jury are equally divided. Six being of opinion that the offence incurred by the death of Lord Pigot can be conſidered as no leſs than murder; and ſix, that it amounts to manſlaughter only. The Coroner obſerves, that the voices being equal, the queſtion muſt be reconſidered.

The ſhip Hector being ſtill in the road under diſpatch, ſeveral of the Jury declare that they cannot attend till after her departure. They are adjourned to Monday the 7th of July.

Monday, July 7. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, proceed to find their verdict. By deſire of ſeveral of the Jury, they are adjourned to Saturday the 12th inſtant.

Saturday, July 12. The Coroner acquaints the jury, that as ſeveral of them has expreſſed a doubt of the propriety of coming to their final verdict, till they have heard what the perſons, by whom Lord Pigot was confined, have to allege in their own defence, he (the Coroner) has to obſerve to them, that the ſitting of this inqueſt is notorious to the whole ſettlement; that beſides the number of witneſſes, whoſe informations were publicly taken, ſeveral perſons, as well Europeans as Black People, have been at different times preſent at the meetings of this Jury. That, moreover, he is well informed that many of thoſe perſons, who were particularly concerned in the confinement of Lord Pigot, and who now act as Governor and Council of this Settlement have, in a joint letter to the Court of Directors, made mention, that he (the Coroner) has ſummoned an inquiſition on the body of Lord Pigot, which was ſtill ſitting: That therefore they could not pretend ignorance of the preſent inquiry, and if they had any thing to allege in juſtification of their conduct in confining Lord Pigot, *it concerned* them to have attended the Inqueſt: That the Jury had already determined, that as things were at preſent circumſtanced, it would not only be impracticable, but highly imprudent, for him (the Coroner) to attempt to bring them before the Jury by his warrants; that for the foregoing reaſons he was clearly of opinion, the neglect of thoſe perſons, in not attending to urge what they might have to ſay in their defence, was no reaſon for the Jury to delay finding

finding their final verdict; provided, however, that if in the mean time any of those persons should appear, what they might have to say in their defence should be attended to.

The Jury are satisfied that they may find their final verdict without waiting till the persons before mentioned are brought before them, as those persons are undoubtedly well acquainted with the nature of the present inquiry, and might attend this inquest to defend their conduct if they chose. Mr. Taswell acquaints the Jury, that as Master Attendant, his time will be so much taken up till the sailing of five of the Company's ships, now under dispatch for China, that he cannot attend till after they have sailed. The Jury are therefore adjourned to Wednesday the 30th of this month.

The Jury being assembled at the house of their Foreman Mr. Smith, the following question being again put, What denomination in law does the death of Lord Pigot, occasioned by his confinement, and the circumstances of that confinement, come under? The Jury find, That the death of Lord Pigot, occasioned by his confinement, and the circumstances of that confinement, cannot be considered as a less offence in the eye of the law than Murder. The Jury proceeds to consider who are principals and who are accessaries in the murder aforesaid. The Jury find, that George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Sir Robert Fletcher, Colonel James Stuart, Lieutenant-Colonel James Edingtoun, Captain Arthur Lysaght, are all principals, as they all entered into a combination and conspiracy to deprive Lord Pigot of the government of Fort St. George, and to seize and confine his person; in the execution of which conspiracy they each took their respective parts. The Jury also consider Major Matthew Horne as a principal, as from the time of the delivery of Lord Pigot into his custody, to the time of his Lordship's death, he did himself restrain and confine Lord Pigot, and by his orders did cause Lord Pigot to be restrained and confined. The Jury also find, that the serjeant who was present when Lord Pigot was seized, also the serjeant who did duty at the Company's garden-house, also the soldiers and officers of the corps of artillery stationed at the Mount, and the Seapoys both at the Mount and at the garden house, accessaries to the murder aforesaid. The Coroner represents to the Jury, that the law directs, that they should now enquire what goods and chattels, lands and tenements, the persons charged with the murder aforesaid are possessed of. The

Wednesday, 30 July.

Jury

Jury deſire they may have time to conſider how far this part of their duty can in the preſent ſtate of this ſettlement be carried into execution; and in the mean time that the Coroner draw up the Inqueſt agreeable to what they have this day found; the Jury are therefore adjourned to Tueſday the 5th day of Auguſt.

Tueſday, Auguſt 5. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, the Coroner lays before them a foul draught of an inqueſt, which is read and approved with ſome amendments; the Coroner then acquaints them, that he will draw out the inqueſt agreeable to the propoſed amendments, and lay it before them on Thurſday. Some of the Jury objecting that they cannot attend till ſix o'clock in the evening of that day, the Jury are adjourned till ſix o'clock in the evening of the ſeventh of Auguſt.

Thurſday, Auguſt 7. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, the Coroner acquaints the Jury, that he is ſenſible that, in the preſent ſtate of the ſettlement, an enquiry after the goods and chattels, lands and tenements, of the perſons charged with murder in the inqueſt, is utterly impoſſible; he therefore is of opinion, that the impoſſibility of doing this part of their duty will be a ſufficient plea for the non-performance of it; and accordingly he has concluded the inqueſt without any mention of the goods and chattels, &c. of the perſons charged in the Inqueſt; he then propoſes that the inqueſt ſhould be read over and ſigned. (10 o'clock, P. M.) It being late at night the Jury deſire to be adjourned till to-morrow morning, when they propoſe to ſign the Inqueſt.

Friday, 8 Auguſt. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, the Inqueſt is read over, and ſigned by the Coroner and Jury. The Coroner now obſerves to the Jury, that though their verdict has been given in and recorded, yet they muſt be ſenſible it would be highly improper for him to deliver it in to the perſons who at preſent act as a Bench of Juſtices; he therefore propoſes to keep the Inqueſt by him until there is a government of unqueſtionable authority eſtabliſhed.

Septem. 5. and 6. The Jury being aſſembled at the houſe of their Foreman Mr. George Smith, the minutes are read and approved. Mr. D' Fries, and Mr. Ewing, deliver in letters, declaring their reaſons for ſigning the verdict contrary to their private opinion. (See the letters from Meſſ. D' Fries and Ewing.)

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The Coroner addreſſed a letter to the Governor and Council. (See the Letter.) On the 26th, he alſo addreſſed a letter to Mr. D' Fries and Mr. Ewing, to acquaint them that he thought it improper to comply with their requeſts in their letters before mentioned. (See the Letter to Mr. D' Fries.) Septem. 24.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ʃʃ.*

The INFORMATION *of the Honourable* Edward Monckton, *Eʃq. taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the Town of* Madraſpatnam *aforeʃaid, on an Inquiʃition held at the Company's Garden-houʃe, about a Mile diʃtant from* Fort St. George, *within the Diʃtricts of the ʃaid Town, on the view of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead, and by Adjonrnment at the Houʃe of Mr.* George Smith (*Foreman of the ʃaid Inqueʃt*), *in the ʃaid Fort.*

THIS Informant, on his oath, ſaith, That he firſt knew Lord Pigot on his (this Informant's) arrival in India in the year 1762. Since Lord Pigot's laſt arrival in India, this Informant married his Lordſhip's eldeſt daughter in March 1776. This Informant has ſeen Lord Pigot almoſt every day ſince his marriage with Lord Pigot's eldeſt daughter, except during Lord Pigot's abſence at Tanjour, and at thoſe times in his late illneſs, when he was ſo much indiſpoſed as to make the viſits of his family and friends inconvenient to him.

On the 24th of Auguſt laſt Lord Pigot was made a priſoner, and carried to St. Thomas's Mount, where he was delivered over to the charge of Major Matthew Horne, by the orders of Meſſ. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, as appeared by a proclamation iſſued the next day by the authority and under the ſignature of theſe gentlemen.

After

After Lord Pigot's confinement this Informant went and reſided at the houſe called General Lawrence's houſe, at St. Thomas's Mount. Lord Pigot's family alſo reſided there.

Major Matthew Horne ſhewed this Informant a long order from Colonel James Stuart, wherein he directed Major Matthew Horne to take charge of Lord Pigot's perſon, and to give Captain Lyſaght (who, as Lord Pigot told this Informant, was the perſon that carried Lord Pigot to St. Thomas's Mount) a receipt for the ſame. This Informant read the order, and took notice of the ſignature of Colonel James Stuart. Major Matthew Horne alſo ſhewed this Informant another order, ſigned by Meſſ. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, wherein, after giving Major Matthew Horne orders relative to keeping Lord Pigot priſoner, there are words to the following purport:- "*In caſe of an attempt to* "*reſcue Lord Pigot, his life muſt anſwer it, and this you will ſig*-"*nify to him.*" Lord Pigot had a knowledge of this order a day or two after it was received, but this Informant does not exactly recollect the time.

On the 27th of Auguſt laſt, as this Informant was getting into bed, between eleven and twelve o'clock at night, ſeveral of Lord Pigot's ſervants came and called this Informant, and ſaid that Lord Pigot was fighting with the ſoldiers, that there was a chaiſe with proviſions in it, and an armed man behind it in a great cloak. He added, that the chaiſe was to carry Lord Pigot to Gingeè. Mr. Latham (who alſo lived in the houſe called General Lawrence's houſe) and this Informant immediately ran to Major Horne's houſe. Mr. Dalrymple had got there before them. On this Informant's arrival, he ſaw the chaiſe at the gate; Lord Pigot was ſtanding in the veranda of Major Horne's houſe; Lieutenant Giſon, who guarded Lord Pigot, ſtanding by him; Lieutenant-colonel James Eidingtoun and Major Horne at the foot of the ſteps. This informant heard Major Horne ſay, "*My Lord, it does not ſignify, my orders are poſitive,* "*and I muſt obey.*" Lord Pigot demanded to know to what place they intended to carry him. This Informant ſaid (ſo as to be heard by all preſent), that they were going to take Lord Pigot to Gingee. Lieutenant-colonel Eidingtoun made anſwer, "*My Lord, I am not* "*at liberty to inform you where you are going: I can aſſure you,* "*Mr. Monckton* (ſpeaking to this Informnat), *that he is not going* "*to Gingeè, but to a place of ſafety.*" This was no ſooner ſaid than

a guard of artillery-men came into the garden: Lord Pigot advanced up to them, and addreſſed them to the following purport, that "*he had known many of them a long time; they had fought*
"*with him at the ſiege of Madras; he therefore would depend upon*
"*them, and would remain with them at the Mount, or they ſhould*
"*take him to the Commodore's, to demand the protection of the King's*
"*flag; or place him in his own Fort, and then he ſhould know how*
"*to act; but that he never would go with that traitor Eidingtoun, a*
"*man who; notwithſtanding he acted under the commiſſion he had re-*
"*ceived from him (Lord Pigot), had ſtopped him in the night on the*
"*highway with a loaded piſtol like an aſſaſſin. Lord Pigot added,*
"*If you think I have been guilty of any wrong, ſooner place your bay-*
"*onets here* (baring his breaſt to them), *than ſuffer me to be dragged*
"*away from you.*"

His Lordſhip ſaid a great deal more to the ſame purpoſe with a very loud voice, and appeared to be in the moſt violent agitation the whole time. He ſpoke ſo loud that his voice was heard at the houſe of Mrs. Clifton, between two and three hundred yards diſtant. At one time Lord Pigot threw his arms about Major Horne's neck, and deſired him to conſider that he was an officer, that it was unbecoming that character to allow him (Lord Pigot) to be dragged from under his roof in ſuch a ſhameful manner, and conjured Major Horne not to ſuffer it.

This Informant obſerved to the artillery-men, that the people in the Fort had made uſe of a very dark piece of treachery to lead people's minds aſtray; that they had given out that Commodore Sir Edward Hughes (commander in chief of his Majeſty's ſquadron in India) had fired a ſalute in honour of their Government; that Sir Edward Hughes had aſſured this Informant that it was not ſo, but that the Fort having fired firſt, he was, by his inſtructions, obliged to return all ſalutes. There was much ſaid by Mr. Dalrymple to the ſame purport with what this Informant ſaid. Lieutenant-colonel Eidingtoun addreſſed himſelf to the artillery-men as follows: "*I am*
"*ſure you will obey your commanding-officer.*" Lord Pigot heard this: Lieutenant-colonel Eidingtoun repeated it twice—the men ſtood mute. Major Horne then took Lieutenant-colonel Eidingtoun to one ſide of the veranda: When they had conferred together for a ſhort time, Major Horne came back and addreſſed himſelf to Lord Pigot as follows: "*My Lord, if your Lordſhip will promiſe to re-*
"*main quiet here to-night, I will be anſwerable for your perſon to*

" *Colonel Eidingtoun, till we can have further orders from the Fort.*" Lieutenant-colonel Eidingtoun withdrew, and all parted. The next morning this Informant waited on Lord Pigot, and found him very hoarſe with the exertion of the preceding night: This hoarſeneſs continued on Lord Pigot for ſome days. Lord Pigot acquainted this Informant, that he had heard that Meſſrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, had under conſideration the ſending him (Lord Pigot) home by the Grenville, which ſailed the latter end of September, but that Sir Robert Fletcher had recommended not to ſend him (Lord Pigot) home at that time, but to defer it till later in the ſeaſon, a little before the time that news might be expected from Europe. Lord Pigot, and alſo this Informant, heard a ſhort time after, by current report, that the people in poſſeſſion of the Government had the ſame intention, by the Greenwich, which ſailed the 16th of October laſt.

Captain Larkins, of the ſhip Lioneſs, acquainted Lord Pigot, and alſo this Informant, a few days after the arrival of that ſhip, *viz.* the 2d of January laſt, that one of the Council (either Mr. Mackay, or Colonel James Stuart, the latter of whom had been taken into Council on Sir Robert Fletcher's leaving the Coaſt), this Informant does not recollect which, had aſked him (Larkins) " *whether he* " *would not take Lord Pigot to England as a priſoner*;" that he (Larkins) had anſwered, " *that his ſhip was not made to carry pri-* " *ſoners, but that he ſhould know what anſwer to make when the* " *Council applied to him*;" that the Counſellor anſwered him, " *If* " *you do not, your Chief Mate will,*" or words to that purpoſe.

Lord Pigot alſo received information through different channels, that it was the intention of Mr. Stratton, and his aſſociates, to ſend Lord Pigot to England on board the Lioneſs Indiaman. (Moſt of theſe intentions were given to his Lordſhip in this Informant's hearing.) Lord Pigot therefore did not think it prudent to ſtir out of Major Horne's houſe for a day or two; and though this Informant gave an entertainment on the 6th of January, in compliment to Lord Pigot, yet his Lordſhip did not chuſe to venture even to the houſe where this Informant and his Lordſhip's family reſided. Lord Pigot told this Informant, that he had acquainted Major Horne with the reaſons of his conduct, *viz.* " *that as he (Lord Pigot) had been* " *kidnapped once, he was reſolved, that they (the people in poſſeſſion* " *of the Government) ſhould never do the like again while he had life:*"

That

That Major Horne had ſaid to him, " *you need not be afraid of being " kidnapped while under my charge, but ſhould I receive orders to " march you into the Fort, I ſhall conſider whether it is not my duty " to obey.*"

Several gentlemen of the Settlement were ſo alarmed on Lord Pigot's account, that, on the 7th, a letter was addreſſed to Mr. Secretary Oakeley, ſigned by between thirty and forty gentlemen of the Settlement, ſetting forth their alarms and fears, on account of the intention of ſending Lord Pigot home, and deſiring Mr. Secretary Oakeley to lay the letter before Mr. Stratton and his aſſociates.

It was ſome time after that Major Horne received a letter from Mr. Secretary Sullivan, deſiring him to acquaint Lord Pigot, that the people in power had come to a reſolution not to ſend Lord Pigot home by the ſhip then under diſpatch. This Informant has alſo reaſon to believe, that Mr. Stratton and his aſſociates applied about the 19th of October laſt for the ſanction of the Governor General and Council at Bengal to ſend Lord Pigot to England, and that the Governor General and Council had, in an indirect and artful manner, given their concurrence. Both which meaſures were known to Lord Pigot; the letter from hence, a day or two after it was written, the anſwer, this Informant believes, was known to Lord Pigot ſoon after it was received, which was in the month of December.

This Informant ſhould have mentioned before, that on the 28th of Auguſt, early in the morning, after the attempt was made to remove Lord Pigot from the Mount, immediately on the return of Meſſrs. Ruſſel, Dalrymple, Lathom, and this Informant, to General Lawrence's houſe, where they lived, they addreſſed a letter to Commodore Sir Edward Hughes, ſetting forth the circumſtances of the attempt before mentioned, and demanding from Sir Edward Hughes the protection of the King's flag for Lord Pigot. This letter was ſigned, he thinks, by Meſſrs. Ruſſel, Dalrymple, Lathom, and himſelf, this Informant. The ſame morning Lord Pigot himſelf addreſſed a letter to Sir Edward Hughes to the ſame purport. The letter produced a promiſe from Meſſrs. Stratton and his aſſociates to Sir Edward Hughes, that they would not remove Lord Pigot for the preſent, without his (Sir Edward Hughes) previous knowledge.

Lord

Lord Pigot alſo ſent into the Mayor's Court a petition for a writ of Habeas Corpus, but it was judged by a majority of the Court, that they had not a power to grant ſuch a writ.

Lord Pigot afterwards commenced a ſuit in the Mayor's Court againſt Sir Robert Fletcher for damages, alſo againſt Colonel James Stuart, Captain Arthur Lyſaght, and Lieutenant-colonel James Eidingtoun, whom he had reaſon to believe were about to depart the juriſdiction of the ſaid Court. To theſe ſuits the defendants before mentioned demurred, and appealed to Mr. Stratton and his aſſociates, who took upon themſelves to act as a Court of Appeals; but it appears by the order or reſolution, which they paſſed on the occaſion, copy of which this Informant has ſeen, that they acknowledged themſelves parties, as it was by their orders that Lord Pigot was confined. The defendants thereupon declared their reſolution of appealing to the King and Council, by which means no further proceedings were had in the Mayor's Court, and whilſt the ſuits were in this ſituation Lord Pigot died.

Lord Pigot during the firſt part of his confinement was in very good health. His illneſs was firſt apparent about the 4th or 5th of March laſt; a few days after Mr. Paſley, the ſurgeon, who attended his Lordſhip, thought him in ſome danger; Lord Pigot towards the end of March got better a good deal. Early in April he was again taken ill, and continued growing worſe, ſo much ſo that this Informant believes Mr. Mallet (the ſurgeon to the corps of artillery at the Mount) thought that Lord Pigot could not recover; and this Informant has reaſon to think that Mr. Mallet communicated his opinion to Major Horne. On the 28th day of the ſaid month, Lord Pigot was removed to the Company's Garden-houſe, by the advice of Mr. Paſley.

This Informant underſtands, that the removal of Lord Pigot from the Mount to the Company's Garden-houſe was brought about by an application from Major Horne to Mr. George Stratton.

On the 28th of April, in the evening, after Lord Pigot's removal to the Company's Garden-houſe, this Informant had ſome converſation with Major Horne, in preſence of Sir Edward Hughes, the purport of which this Informant wrote down (as nearly as he could recollect) on the firſt of May, and was as follows: " Major Horne told " this Informant, that when he eſcorted Lord Pigot from the Mount

" in

" in the morning of the 28th, it was only in compliment to Lord
" Pigot, and not confidering him as his prifoner, for he looked upon
" Lord Pigot as free, from the time he left the Mount; but, on his
" going into the Fort immediately after, the gentlemen there af-
" fembled in council were going to call him (Major Horne) to a fe-
" vere account for letting Lord Pigot out of confinement until he
" (Horne) produced to them two letters that paffed between him and
" Mr. Stratton, wherein he (Horne) demanded of Mr. Stratton,
" whether Lord Pigot, after leaving the Mount, was ftill to be con-
" fidered as his prifoner, and Mr. Stratton in anfwer tells him (Major
" Horne) that he (Mr. Stratton) could not immediately get the opinion
" of the reft of the gentlemen; but he dared to fay that they would
" join him in opinion, that Lord Pigot fhould no longer be confidered
" as a prifoner. Mr. Stratton acknowledged to them, that he had
" taken too much upon himfelf, and that he (Major Horne) had pro-
" mifed to them, to take again immediate charge of Lord Pigot's
" perfon, which fatisfied the gentlemen. That he was come to give
" the neceffary orders to the guards, and to acquaint this Informant
" that Lord Pigot was ftill to be confidered as his prifoner. This
" Informant begged of Major Horne, to keep this matter for the
" prefent as private as poffible, to prevent its coming to Lord Pigot's
" knowledge, whilft he remained in fo dangerous a ftate. Major
" Horne affured this Informant that he would, and that for the pre-
" fent, the only orders which he fhould give to the guards, would
" be to keep every thing quiet, and only let fuch perfons as Lord
" Pigot chofe go in to him."

The fame evening, *viz.* the 28th of April, this Informant faw Mr. Sydenham (who acts as Town-major) at the Company's Garden-houfe; Sir Edward Hughes, who was there with this Informant, told him that Mr. Sydenham was come to deliver over the command of the guard at the Company's Garden-houfe to Major Horne.

This Informant fays, that a ferjeant was pofted at the Company's Garden-houfe to the beft of his remembrance the fame evening. This Informant is not certain how long the ferjeant continued there; but the day before Lord Pigot's death there was a great noife in the Buzar, near the Company's Garden-houfe, and this Informant fent a fervant to the ferjeant to defire he would fend fome fepoys to put a ftop to it; the fervant brought for anfwer, that the ferjeant faid he would do fo; from which this Informant believes that the ferjeant remained

remained on duty from the 28th of April, till that time. This Informant frequently ſaw the ſerjeant at his ſtation in the intermediate time.

This Informant underſtood from Mr. Ruſſel, that the ſerjeant had told Mr. Ruſſel's ſervant, Howard, that he the ſerjeant was placed at the Company's Garden-houſe, to take charge of the perſon of Lord Pigot and the command of the guard there, and to report every morning and evening whatever paſſed to Major Horne.

This Informant has reaſon to believe, that Mr. Paſley mentioned the dangerous ſituation of Lord Pigot, with regard to his health, to ſeveral, in particular to Meſſrs Stone and Ruſſel, from the converſation this Informant has had with them at different times before Lord Pigot's death; alſo to Mr. George Stratton. Mr. Paſley having told this Informant, that Mr. Stratton had acquainted him, that he (Mr. Stratton) recollected that Lord Pigot, on going to Tanjour, ſaid to him, George, (meaning him Stratton) in caſe of any accident happening to me, my will and Mrs. Monckton's marriage ſettlement, are in that book-caſe (pointingto a bureau and book-caſe), Mr. Stratton added, This will be ſatisfaction for you to tell Lord Pigot's friends. Mr. Paſley mentioned this converſation to this Informant two or three days before Lord Pigot's death.

The morning before Lord Pigot died, viz. Saturday, the 10th of May, Lord Pigot's voice was ſo ſtrong, that this Informant could not help expreſſing his hopes to Mr. Paſley, that Lord Pigot was not then paſt recovery; but Mr. Paſley aſſured this Informant, that it was impoſſible that Lord Pigot could recover; he added, that Lord Pigot might hold out for a day or two longer, or it might be he would go off in a few hours.

Lord Pigot died the next morning, being the 11th of May, between the hours of ten and eleven o'clock. Immediately on the death of Lord Pigot, this Informant addreſſed a letter to Major Horne, to demand the body; copy of which, with Major Horne's original anſwer, this Informant begs leave to lay before the jury. This Informant alſo ſent notice of Lord Pigot's death to Mr. Ram, the Coroner, requeſting he would take an inqueſt on the body of Lord Pigot.

This

This Informant confidered Lord Pigot under confinement at the time of his death, though about nine o'clock in the morning Lord Pigot died, this Informant did hear fome one fay, he does not remember who it was, neither was it addreffed to him, " That Major " Horne had come to the Company's Garden-houfe the evening be- " fore, and had told the ferjeant, that he (the ferjeant) was not to " confider Lord Pigot as any longer under his charge." Mr. Pafley, who attended Lord Pigot, told this Informant, between four and five o'clock the fame morning, that Lord Pigot had not above an hour to live.

This Informant further faith, on his oath, that from the time he knew Lord Pigot, and previous to his confinement, he never knew his Lordfhip to be fo much indifpofed as to oblige him to keep his chamber for a day, or to oblige him to take any medicines from the furgeons.

Lord Pigot before his confinement was accuftomed to take frequent and much exercife. Since the marriage of this Informant with Lord Pigot's eldeft daughter, it was Lord Pigot's general cuftom before breakfaft, to come from the Fort to this Informant's houfe upon Choultry plain (which is about two miles), in an open chaife, and then take up his youngeft daughter and take an airing of two or three miles; when he did not call upon her, he would walk out from the Fort to the Company's Garden-houfe, which is above a mile; after breakfaft Lord Pigot ufually walked in the Company's Garden, and gave orders to the workmen there till near ten o'clock and fometimes later; after that, his Lordfhip would go into the Fort generally in his chariot, to bufinefs and dinner.

Sometimes when this Informant has come to the Company's Garden-houfe of an evening between fix and feven o'clock, he has known Lord Pigot lay himfelf down on a cot for an hour or two, and fay, that he had been walking on the fortifications of the Fort, from thence out to the Company's Gardens, and in the Gardens, ever fince dinner, and that his company had broke up from dinner, between three and four o'clock. This Informant never heard Lord Pigot make any complaint of ill effects from the heat of the fun.

Lord Pigot fupped at the Garden-houfe, and after fupper generally returned in his chaife to the Fort, where he always flept.

After

After Lord Pigot's confiement at the Mount, the exercife which he generally took was, walking once or twice a day to and from the houfe where this Informant and his Lordfhip's family lived and Major Horne's houfe, the diftance being between three and four hundred yards; when at the houfe where this Informant lived, he generally employed himfelf either in the garden, or in giving orders to carpenters and other workmen, never ufing much exercife in the garden.

This Informant has known Lord Pigot go to the top of the Mount five or fix times during his confinement, and one afternoon Lord Pigot went out in a chaife, in company with Major Horne and Major Horne's family to the Quarter Surs (hills about three miles diftant from the Mount). This Informant has alfo known Lord Pigot walk out on the Mount Plain a mile, fometimes a little more, but feldom fo far.

At other times Lord Pigot would go to the gentlemen's houfes at the Mount, none of them being at a greater diftance from Major Horne's houfe, than the houfe in which this Informant refided. Lord Pigot was conftantly attended by an officer and one or two artillery-men.

The only room allotted to Lord Pigot in Major Horne's houfe, appeared to the Informant to be about 32 feet long and 18 wide, and was the beft room in the houfe: latterly, whilft Lord Pigot was fick, this Informant obferved, that his Lordfhip's fervants made ufe of a clofet adjoining, which before Lord Pigot's ficknefs, and from the time of his confinement, Major Horne ufed as a writing-room. Lord Pigot had alfo the ufe of the hall, into which his room opened, in common with Major Horne's family, alfo the ufe of the veranda.

Lord Pigot once told this Informant, " that Mr. George Stratton " had applied to him through Major Horne, for the key of a room in " the Fort-houfe; that upon that occafion he (Lord Pigot) had a great " inclination to take Major Horne into the room allotted to him, and " fhew Major Horne the little room and conveniencies he had, and " that the box of a coach-feat and the back of two chairs, was all he " had to keep his things in and on, but that he had contented him- " felf with making no anfwer."

A few days after Lord Pigot's confinement, this Informant applied to Major Horne to write to Mr. Stratton and his aſſociates, to allow Lord Pigot to live at the houſe (known by the name of General Lawrence's houſe) where this Informant and Lord Pigot's family reſided, between three and four hundred yards from Major Horne's houſe; repreſenting that they (the people in poſſeſſion of the government) could place as many guards as they pleaſed over Lord Pigot at that houſe. Major Horne afterwards told this Informant, that he (Major Horne) had applied to the people in poſſeſſion of the government, but that they had refuſed to allow of it, with which this Informant immediately acquainted Lord Pigot.

Lord Pigot was exceedingly moderate in his eating and drinking. He was a man of ſuch nice feelings, that although his ſituation muſt have preyed upon his ſpirits very much, yet this Informant is convinced, that Lord Pigot took great pains not to betray his anxiety to his friends. He was about fifty-eight years old when he died.

(Signed) EDWARD MONCKTON.

Sworn the 12th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

No. 1. *Company's Garden-houſe, eleven o'clock, the* 11*th day of May*, 1777.

SIR,

Lord Pigot having died this morning under your charge, I now require you to deliver his body over to me, that his friends may ſee the ſame decently interred.

I am, SIR,

Your moſt obedient Servant,

(Signed) EDWARD MONCKTON.

Major Matthew Horne.

(A true Copy from the original)

(Signed) EDWARD MONCKTON.

(A true Copy from the paper delivered in by the Honourable Edward Monckton, Eſq;)

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

To the Honourable Mr. Monckton. No. 2.

S I R,

I have this moment received your letter, and am extremely ſorry to hear of Lord Pigot's death. In conſequence of directions from Mr. Stratton, the guards at the Garden-houſe were informed laſt night, that they were no longer under my direction; or in any manner to have charge of Lord Pigot's perſon any longer, but were to remain at the Company's Gardens with no other orders but the uſual ones, before Lord Pigot's removal from the Mount. His Lordſhip's body is therefore under no manner of reſtraint; his friends may remove it with every convenience they pleaſe. I ſhall immediately inform Mr. Stratton, who, I doubt not, will direct every honor to be ſhewn at his Lordſhip'e funeral.

I have the honor to be,

S I R,

Your moſt humble Servant,

(Signed) MATTHEW HORNE.

Choultry Plain,
11th of May, 1777,
half paſt 11 o'clock forenoon.

(A true Copy from the original in the hand-writing of Major Matthew Horne.)

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of the Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of* Claude Ruſſel, *Eſq; taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the Town of* Madraſpatnam *aforeſaid, on an Inquiſition held at the Company's Garden-houſe, about a mile diſtant from* Fort St. George, *within the Diſtricts of the ſaid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the Houſe of Mr.* George Smith *(Foreman on the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant on his oath, ſaith, That he firſt knew Lord Pigot in the year 1754, when his Lordſhip came from Vizagapatnam to Madras, to ſucceed to the government of that place. This Informant's intimacy with Lord Pigot commenced on this Informant's arrival in England in the year 1772; but he became more particularly intimate with Lord Pigot, ſince his Lordſhip's appointment in March 1775 to the government of Madras, and this Informant's appointment to a ſeat in Council at that place about the ſame time. This Informant embarked in April 1775, on the ſhip Grenville, with his Lordſhip, and they arrived here the 9th of December following; ſince which this Informant has hardly been a day ſeparate from his Lordſhip, excepting the time of Lord Pigot's abſence at Tanjour.

On the 24th of Auguſt laſt in the evening, there was a meeting in the council-room (but not a conſultation) of the following gentlemen; namely, Lord Pigot, Governor; Mr. Dalrymple, Mr. Stone, Mr. Lathom, and this Informant, of the Council; Colonel James Stuart, acting Commander in Chief; Mr. Sullivan, Military Secretary;

tary; Mr. Baine, his deputy; and this Informant believes, Mr. Oakeley, Civil Secretary was alſo preſent part of the time. Colonel Stuart had been the day before appointed by Lord Pigot and the above-named gentlemen of the Council, to the command of the army, on Sir Robert Fletcher's (the Commander in Chief) having been put in arreſt, for an attempt to raiſe a mutiny in the garriſon of Fort St. George: Colonel James Stuart's appointment had been declared in public orders, and he (Colonel James Stuart) had received from Lieutenant Pendergaſt, the Town Adjutant, an official copy of thoſe orders; which orders at the meeting beforementioned, he engaged to circulate to the out garriſons that very night.

After the meeting was over, about eight o'clock in the evening, Lord Pigot went out in his chaiſe with Colonel James Stuart, as this Informant has reaſon to believe, from hearing Colonel James Stuart ſay to Lord Pigot, that he (Colonel Stuart) depended on his Lordſhip for a caſt to the Company's Garden-houſe, where they were to ſup. Mr. Dalrymple, Mr. Latham, and this Informant followed ſoon after on foot; between the ſecond Bridge and the Company's Garden-houſe, they met with Mr. Stratton's carriage and Mr. Mackay's chaiſe going towards the Fort (this Informant thinks alſo Sir Robert Fletcher's carriage). This Informant then haſtened to the Garden-houſe, in order to acquaint Lord Pigot with this, as it appeared ſtrange, that they (who had been ſuſpended from the Company's ſervice the day before) ſhould be going to the Fort at that time of night, particularly, as this Informant knew that Mr. Mackay had an entertainment at his houſe in the country. This Informant, not finding Lord Pigot at the Company's Garden-houſe, wrote a note with a pencil to acquaint his Lordſhip of this circumſtance, and gave it to a Peon to go in queſt of his Lordſhip. Some time elapſed without hearing any thing of Lord Pigot, which made this Informant and his Lordſhip's friends at the Garden-houſe very uneaſy; Mr. Baine, the Deputy Secretary, ſoon after came out on horſeback to acquaint this Informant and Lord Pigot's friends at the Garden-houſe, that Meſſrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, had taken poſſeſſion of the Council-room.

Hearing ſoon after, that Lord Pigot had been carried a priſoner to the Mount, this Informant thought it his duty, as ſecond in Council, to repair immediately to the Fort. In his way thither, this Informant met with Mr. Stone, who accompanied this Informant;

 when

when they entered the Fort and came near to the main guard, this Informant met the Town Major, Captain Wood, who told this Informant, that he (Captain Wood) had been put under an arreſt for doing his duty. This Informant therefore directed the Town Adjutant, Lieutenant Pendergaſt, who happened to be near, to go to the Captain of the main guard, and acquaint him, that it was his order, in the abſence of Lord Pigot, that the guards ſhould ſtand to their arms: obſerving that the Captain of the main guard (Captain Adair) heſitated to comply with thoſe orders, this Informant went himſelf to Captain Adair, and repeated his orders, appriſing Captain Adair of the danger of refuſing obedience, as this Informant was the commanding officer in the abſence of Lord Pigot, under whoſe orders the guards were; Captain Adair ſeemed to be much alarmed, and muttered ſomething about the Commander in Chief; upon which this Informant aſked Captain Adair, if he had received any orders contrary to what this Informant then gave him; Captain Adair anſwered in a confuſed manner, that he had received orders from the Commander in Chief: about this time a croud of officers aſſembled round, and as the guard appeared to be ſtanding to their arms, part having already fallen in, this Informant was advancing towards their front, when Colonel James Stuart came up to this Informant, and told him he muſt go to the Conſultation-room: this Informant replied he was not under the orders of Colonel Stuart; but on the contrary, that he was under the orders of this Informant: ſome more words to the ſame tendency paſſed between Colonel Stuart and this Informant, when Colonel Stuart called out for orderlies, ordering them to ſeize this Informant; Colonel Stuart at the ſame time laying hold of this Informant; Lieutenant-colonel Eidingtoun and Captain Barclay, each ſeizing this Informant by the arm; this Informant called out to the officer of the guard for aſſiſtance, but in vain, although ſome of the grenadiers did ſtep out of their ranks. In this manner, this Informant was dragged by Colonel James Stuart, Lieutenant-colonel James Eidingtoun, and Capt. Barclay, ſome orderlies puſhing this Informant behind, to the Council-room; where this Informant found Meſſrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, ſitting at the Council-table. This Informant was detained in the Council-room, until Colonel James Stuart dictated a narrative of what had paſſed upon the Parade to Mr. Jourdan, who appeared to act as Secretary. Mr. Stratton, who acted as Preſident, aſked this Informant what he had to ſay in anſwer; this Informant replied, that he did not know by what authority they ſat there, and therefore

 ſhould

ſhould make no anſwer to their queſtion (or words to that effect). Colonel James Stuart thereupon received orders, from the perſons before mentioned, to declare on the Parade, that this Informant was ſuſpended from the ſervice, after which they allowed this Informant to retire. The ſame night this Informant wrote an account of what had happened in the Fort, to Lord Pigot, which, to this Informant's knowledge, Lord Pigot received.

Early next morning this Informant went to the Mount, and found Lord Pigot in confinement, who related to this Informant the particulars of his ſeizure, as he could find opportunities, being at that time ſtrictly guarded by Major Horne, at whoſe houſe his Lordſhip was, or the Officers on duty, without whoſe permiſſion this Informant underſtood that his Lordſhip could not converſe in private with his friends. This informant alſo heard the ſame morning from Commodore Sir Edward Hughes (commander in chief of his Majeſty's ſquadron in India), that Lord Pigot had been denied the privilege of ſpeaking with him (Sir Edward Hughes) in private; Major Horne ſome time afterwards relaxed in the ſtrictneſs of the manner in which he guarded Lord Pigot.

This Informant has ſeen a copy of an order to Major Horne from Colonel James Stuart, directing Major Horne to receive into his charge the body of Lord Pigot, dated the 24th of Auguſt. This Informant does not recollect the particulars, as the order was long.

On Sunday the 25th of Auguſt laſt, Major Horne ſhewed this Informant an order which he had juſt received from the Fort, ſigned by Meſſrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay; that latter part of which order was conceived in theſe wards: "*As the laſt reſource in caſe of an attempt to reſcue Lord* "*Pigot, his life muſt anſwer it; and this you will ſignify to* "*him.*" Shortly after this Informant communicated this to Commodore Sir Edward Hughes, repreſenting to him that there ſeemed to be a propriety in demanding, as his Majeſty's Officer, a ſight of an order ſo very extraordinary in its nature, which he accordingly did; and Major Horne, in conſequence, ſhewed him the ſaid order in preſence of Lord Pigot, Mr. Dalrymple, Mr. Monckton, and this Informant. Some days afterwards this Informant made an affidavit before Mr. John Turing, then Mayor (who is one of the Jurors on this Inqueſt), of the truth of the above order, copy of which affidavit

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he now delivers in to the Coroner. This Informant does not know whether Major Horne did acquaint Lord Pigot with this order; but this Informant did himſelf acquaint Lord Pigot with it, though not immediately, nor for one or two days.

This Informont does not believe that the order was ever withdrawn, and he knows that neither Lord Pigot, nor any of his friends, could procure from Major Horne a copy of this order, though Major Horne furniſhed his Lordſhip with copies of other orders.

This Informant reſided conſtantly at the Mount from the day of Lord Pigot's confinement, until his removal from thence to the Company's Garden-houſe.

On the 27th of Auguſt laſt, between the hours of eleven and twelve at night, an attempt was made to remove Lord Pigot from the Mount. This Informant had that evening made a viſit to a gentleman's houſe, about four miles diſtant from the Mount; on his return to the Mount after midnight, a ſervant came running to him in great agitation, and told him in Moors, that an officer was come with Sepoys, and was fighting with Lord Pigot. This Informant ran to Major Horne's houſe, where he found Lord Pigot, Major Horne, Lieutenant-colonel Eidingtoun, Mr. Monckton, Mr. Dalrymple, and Mr. Lathom, in front of the houſe in high words; upon this Informant's joining them, and enquiring into the matter, he found that Lieutenant-colonel Eidingtoun had come with an intent to carry Lord Pigot away. This Informant ought to have mentioned that in his way to Major Horne's, he met with one of Lord Pigot's Peons, who informed him that there were parties of men planted on the road to Gingee, whither an officer was going to remove his Lordſhip.

At the time this Informant arrived the fray was almoſt at an end. This Informant never in his life ſaw Lord Pigot ſo much agitated. Soon after Lieutenant-colonel Eidingtoun deſiſted from attempting to remove Lord Pigot, who retired upon Major Horne's telling him that he ſhould remain ſafe for that night. This Informant afterwards heard Mr. Monckton and Mr. Dalrymple reproach Lieutenant-colonel Eidingtoun for not declaring whither he had intended to carry Lord Pigot; from which this Informant underſtood that Lieutenant-colonel Eidingtoun had refuſed to produce any orders. This Informant mentioned, in the hearing of thoſe gentlemen, that he had been told that Gingee was the place deſtined for Lord Pigot's recep-

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tion. After the foregoing attempt Lord Pigot applied to Commodore Sir Edward Hughes for the protection of the King's flag; finding that application ineffectual, he applied to the Mayor's court, by petition, for a writ of Habeas Corpus, but equally without succefs. Sometime before the arrival of the Lionefs Indiaman, Lord Pigot and his friends had received accounts that it was publickly faid in Calcutta that it was intended to fend Lord Pigot home on board that ſhip. The Lionefs arrived on the 2d of January, on the 3d their alarms were fet on float by reports from the Fort, that Meffrs. George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart were deliberating about fending Lord Pigot to England, and more efpecially, as about that time Lord Pigot's friends underftood that the gratification promifed to the troops on the 25th of Auguft laft, was diftributing to the garrifon. On the 4th, thefe reports were confirmed by Captain Larkins of the ſhip Lionefs, who acquainted this Informant that it had been propofed to him by one of the fix gentlemen before mentioned, then, and ftill in power, to receive Lord Pigot on board his ſhip Lionefs, and to carry his Lordſhip home a prifoner.

Lord Pigot being informed of this, thought it advifable not to ftir out of Major Horne's houfe, where he kept clofe until the 8th of January, when he ventured abroad, in confequence of Major Horne's ſhewing him a note from Mr. Stratton, acquainting Major Horne that he and the other gentlemen in the adminiftration had come to a refolution not to fend Lord Pigot home. Subfequent to this note an official information was received by Major Horne from Mr. Secretary Sullivan, dated the 20th of January, purporting that Meffrs. George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart, had come to a refolution not to fend Lord Pigot home upon the Lionefs. This intimation appeared fo ambiguous that it revived the alarms of Lord Pigot and his friends, which had begun to fubfide in fome degree, particularly as on the 17th of January they had come to the knowledge of the draft of a letter of the Secretary, to Major Horne, dated the 12th of January, exactly correfponding with the note before mentioned, from Mr. Stratton, fetting forth, "*that in confequence of* "*a letter from Major Horne, which was laid before the Board* "*that day, they had come to a refolution not to fend Lord Pigot to* "*Europe.*"

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No. 2. This Informant begs leave to lay before the Jury a copy of the letter to Major Horne of the 21ſt of January, with a remark of his Lordſhip's upon it, which are the words his Lordſhip communicated to Major Horne, when Major Horne ſhewed him the ſaid letter.

This Informant obſerved, that Lord Pigot was naturally very reſerved, but on this occaſion his Lordſhip did frequently, by his diſcourſe, give this Informant reaſon to believe that his Lordſhip was much hurt by it, and particularly by the letter of the 12th of January. This Informant heard from Lord Pigot, that he told Major Horne that he (Lord Pigot) had heard of the intention of ſending him (Lord Pigot) home, but that he would keep to Major Horne's houſe, and was determined not to be taken away alive. And this Informant confidently believes that ſuch was his firm reſolution, becauſe that this Informant himſelf ſecretly furniſhed Lord Pigot with piſtols, as the means of making reſiſtance, and theſe piſtols his Lordſhip kept in conſtant readineſs till the morning of his removal to the Garden-houſe, when as this Informant underſtands, from Lord Pigot's European ſervant, Lord Pigot gave him particular orders to ſhake the priming out of the piſtols. This Informant has further to add, that Lord Pigot acquainted him that Major Horne had read to him (Lord Pigot) a letter, which he (Major Horne) had addreſſed to Mr. George Stratton, acquainting Mr. Stratton that Lord Pigot had confined himſelf to the houſe, and declared his reſolution not to be taken away alive.

In general, during Lord Pigot's confinement, his health appeared to be very good until the 5th or 6th of March laſt, when his illneſs firſt appeared to be ſerious, though, upon comparing circumſtances, it was evident to his friends that Lord Pigot's health for eight, nine, or ten days, previous to that period, was not ſo good as uſual; and they were convinced that his diſorder had for ſome time been lurking in his body: this diſorder (which the ſurgeons repreſented to be a bilious diſorder) increaſed to a great height; Lord Pigot, however, grew better about the latter end of March; in the beginning of April Lord Pigot relapſed, and grew daily weaker till the 28th of April, when, by the recommendation of the ſurgeon to Lord Pigot, his Lordſhip was removed to the Company's Garden-houſe for the benefit of the ſea air.

This Informant underſtands that permiſſion for his Lordſhip's removal was obtained in conſequence of an alarming letter from Major

Major Horne to Mr. George Stratton, wherein Major Horne reprefented, " That in his opinion Lord Pigot could not furvive a few days." This Informant has heard that this letter produced an order from one of the Secretary's to the furgeon, Mr. Pafley, to the following purport: " That as they (the people in power) had informa-" tion that the ftate of Lord Pigot's health was fuch as to render a " change of air neceffary, he (Lord Pigot) might be removed wherever " Mr. Pafley thought proper to recommend;" which order this Informant had feen.

This Informant has likewife heard that a letter was about the fame time forwarded to Major Horne, much to the fame purport, and making an offer of the Company's Garden-houfe. This Informant believes that thefe letters were received on the 26th of April, but were concealed from Lord Pigot; the day following, being Sunday the 27th, Mr. Pafley acquainted Lord Pigot, " That it would be " neceffary towards his recovery, that he (Lord Pigot) fhould be re-" moved to the fea-coaft, and propofed the Garden-houfe as the moft " convenient and fuitable place." To which Lord Pigot confented, and was accordingly removed a little after day-break the next morning. Till this time Lord Pigot had been under the ufual reftraint; but when this Informant accompanied Lord Pigot from the Mount to the Garden-houfe, this Informant faw no guards, or appearance of reftraint whatever, which this Informant conceived to be in confideration of Lord Pigot's reduced ftate of health; and as Major Horne drove on in his carriage to the Company's Garden-houfe, this Informant took it for granted that Lord Pigot was ftill in the cuftody of Major Horne. Major Horne went away from the Company's Garden-houfe foon after the arrival of Lord Pigot.

The evening of the fame day Mr. Monckton related to this Informant what had juft paffed between him and Major Horne to the following purport: That the people in power had been very angry that Major Horne had fuffered Lord Pigot to leave the Mount without a guard, and that they had ordered Major Horne again to take charge of Lord Pigot's perfon. This Informant alfo heard that the Town Major, Mr. Sydenham, had been at the Company's Garden-houfe, and had ordered the Subfidar to obey the orders of Major Horne.

Soon after this Informant underftood that Major Horne, before going away, gave frefh orders to the centinels. This Informant put

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a ſervant to inquire what theſe orders were; the ſervant brought back word, that they were to prevent any perſon entering with arms. About two days afterwards this Informant learnt that a private tent had been pitched at the gate of the Company's Garden-houſe in the evening, and a ſerjeant poſted there. This Informant took an opportunity when night came on to go the ſerjeant, and to aſk him his buſineſs there. The ſerjeant told this Informant that he had been placed there by order of Major Horne, to ſee and keep things quiet, and ſee that the Sepoys did their duty. This Informant has ſince learned from his European ſervant, named Howard, that the ſerjeant had acquainted him (Howard) that part of his buſineſs was to make a report at night to Major Horne of whatever tranſpired the preceding day. And this Informant has likewiſe ſince heard, that part of the orders to the centinels was particularly to prevent the Nabob's people coming near the houſe. This Informant was told this by a gentleman (who underſtands the country language perfectly) who himſelf had it from one of the centinels.

The ſerjeant remained at the Company's Garden-houſe, and the laſt time that this Informant ſaw him there, was about an hour before Lord Pigot's funeral.

This Informant believes that Mr. Paſley, the ſurgeon, who conſtantly attended Lord Pigot during his illneſs, had acquainted Mr. George Stratton of the dangerous ſituation of his Lordſhip, for this reaſon, that one day about noon, this Informant thinks it was Thurſday the 8th of May, Mr. Paſley acquainted this Informant and Mr. Monckton, that Mr. Stratton had told him (Paſley) that Lord Pigot had, before his departure for Tanjour, told him (Stratton) "that in caſe of accident his (Lord Pigot's) will, and Mrs. Monckton's marriage ſettlement, were in a bureau which was in the Fort-houſe."

Mr. Paſley, during Lord Pigot's whole illneſs, never acquainted this Informant in expreſs words that Lord Pigot was paſt recovery, till Saturday the 10th inſtant, in the forenoon. But from Mr. Paſley's having ſome days before expreſſed a ſolicitude that Lord Pigot ſhould ſettle his affairs, this Informant judged that there were no hopes of his Lordſhip's recovery.

On Sunday the 11th of May, in the forenoon, this Informant heard from his ſervant Howard, that the ſerjeant had told him (Howard)

(Howard) that Major Horne had the preceding night desired him (the serjeant) to acquaint his Lordship's European servant, Nutting, that Lord Pigot was no longer under confinement, and that he (the serjeant should not take charge of his body, or effects, or words to that purpose. This Informant, however, understood from Howard, that the Serjeant had not acquainted Lord Pigot's servant, Nutting, with the order of Major Horne. The same morning this Informant had before heard a similar report from Mr. Stone, at which time this Informant had remarked to Lord Pigot's friends, that he (this Informant) could not consider this as an official information. These were the only times that this Informant received any intimation to the foregoing effect, though this Informant and Mr. Monckton both lay at the Company's Garden-house, and were up very late the preceding night, so that the serjeant had sufficient opportunities of informing them, if he had thought proper. Lord Pigot died on the 11th of May, between ten and eleven o'clock in the forenoon, aged about fifty-eight.

This Informant further saith, on his oath, That since he has known Lord Pigot, he has always understood that Lord Pigot's constitution was exceedingly good; and this Informant has heard Lord Pigot say, that he had never been confined by sickness, nor has this Informant ever known him confined on account of sickness, till his late illness at the Mount, of which he died.

Since Lord Pigot's last arrival in India, it was his general custom, after the marriage of his eldest daughter, and before his confinement, to take an airing in an open chaise, with his youngest daughter, for two or three miles, or further, early in the morning; before which, and from the time of his arrival, Lord Pigot constantly walked out to breakfast to the Company's Garden-house; after breakfast he generally employed himself in overseeing the workmen in the said Garden till ten o'clock, and sometimes later, after which he returned to town in his carriage to business and dinner. From Lord Pigot's arrival till the hot weather set in, which was about March, instead of sleeping, it was frequently his custom after dinner to walk on the fortifications, or to go to the Garden in his palanquin, and there oversee the workmen (the latter end of March his Lordship went to Tanjour); after supper Lord Pigot constantly returned to the Fort (where he slept), and walked when it was moonlight. After Lord Pigot's return from Tanjour he did not use to walk in the afternoon, on account of the heat of the weather. This Informant has not known any other ill effect from this exercise, than that sometimes

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ſometimes it has occaſioned an head-ach, upon which his Lordſhip would lay down on his couch for a little while.

This Informant thinks that Lord Pigot's confinement at the Mount did certainly deprive him of the exerciſe he before uſually took, ſince, during his confinement, he never went out in a carriage but once, Major Horne and Major Horne's family being in company.

This Informant's conſtant reſidence at the Mount, after Lord Pigot's confinement, till his removal to the Company's Garden-houſe, gave this Informant an opportunity of obſerving the exerciſe which his Lordſhip took during his confinement, when Major Horne relaxed a little of the ſtrictneſs of it. Lord Pigot's exerciſe was in general walking down to the houſe called General Lawrence's houſe, where Mr. Monckton and Lord Pigot's family reſided, about a quarter of a mile from Major Horne's. Lord Pigot generally ſpent the morning buſied in the Garden of General Lawrence's houſe, attended by an Officer and an orderly. At one o'clock his Lordſhip generally returned to Major Horne's houſe to dinner. In general his Lordſhip returned in the evening to General Lawrence's houſe, and would walk out with his family. Lord Pigot alſo went to the houſes of the other gentlemen at the Mount, which are nearer to Major Horne's houſe than General Lawrence's houſe is.

Lord Pigot ſometimes, but very ſeldom, walked farther, but never unattended by the officer of the guard and an orderly. This Informant further ſaith that from the time of Lord Pigot's firſt confinement to the departure of Commodore Sir Edward Hughes for Trincomallee, Lord Pigot was conſcious of walking to any diſtance from Major Horne's houſe, on account of a body of the Nabob's horſemen ſtationed on the Mount-plain. Theſe horſemen were removed at length by an application from Sir Edward Hughes to the
No. 5. people in power, in conſequence of a letter from Lord Pigot to him, juſt before the time of Sir Edward Hughes's ſailing for Trincomallee, which was the 15th of October laſt.

The acccommodations which Lord Pigot had at Major Horne's houſe at the Mount, appeared to this Informant to be only a bed-room to the ſouthward, excepting after Lord Pigot fell ſick, when a cloſet adjoining, which Major Horne had before uſed as a writing-room, was allowed for his Lordſhip's ſervant. The door of this cloſet was commonly opened to admit air, and his Lordſhip was obliged

to ſhut it when he had any thing in particular to ſay to any of his friends. Lord Pigot had the uſe of the hall and veranda in common with Major Horne's family. Lord Pigot's bed-chamber opened into the hall where there was a billiard-table, at which his Lordſhip amuſed himſelf during the firſt part of his confinement.

Lord Pigot was naturally very reſerved, and this Informant thinks he became more ſo after his confinement.

Lord Pigot was a man of very ſenſible and delicate feelings: he was exceedingly temperate both in eating and drinking.

This Informant thinks it his duty to lay before the jury ſundry papers, which he imagines may give them ſome information relative to the circumſtances, which would naturally have an effect on No. 3. the mind of Lord Pigot during his confinement. The firſt is a copy of a letter from Lord Pigot to the Governor General and Council at Bengal, which this Informant declares to be a true copy of the original which he ſaw. The ſecond is an original letter from the Governor General and Council, in anſwer to the before-mentioned No. 4. letter.

The reſt are copies of letters, the originals of which this Informant has not ſeen.

This Informant alſo begs leave to deliver an extract of a letter from Lord Pigot to Edward Hughes, relative to the Nabob's horſe ſtationed at the Mount.

This Informant wrote this down, as Lord Pigot dictated it to No. 5. him, from which a copy was taken and ſent to Sir Edward Hughes.

(Signed) CLAUD RUSSEL.

Sworn the 13th day of May, in the ſeventeenth year of the reign of King George the Third, in the Year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WILLIAM SEDGLEY, Clerk of the Peace.

The

No. 1. *The Information of Claud Ruſſel, Eſq.*

This Informant ſaith that on Sunday the 25th, being at the Mount, Major Horne, commanding officer, there gave him to peruſe an order he (the Major) had received that morning, ſigned George Stratton, Henry Brooke, Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, and that the laſt paragraph of the ſaid order was in theſe words, "As the laſt "reſource, in caſe of an attempt to reſcue Lord Pigot, his life muſt "anſwer it, and this you will ſignify to him."

This Informant further ſaith the ſame order was ſome days afterwards produced to Sir Edward Hughes, the commander in chief of his majeſty's ſhips in India, in preſence of Lord Pigot, the honourable Edward Monckton, Alexander Dalrymple, and this Informant.

(Signed) CLAUD RUSSEL.

Madras, 31ſt Aug. 1776.

Sworn before me,

(Signed) JOHN TURING, Mayor.

A true Copy from the Paper, delivered in by Mr. Ruſſell.

(Signed) G. A. RAM, Coroner.

No. 2. *To Lieutenant-colonel Horne, commanding at the Mount.*

SIR,

I am directed by the preſident and council to acquaint you that it was reſolved on Tueſday forenoon, the 7th inſtant, that Lord Pigot ſhould not be ſent to England on the ſhip now under diſpatch *. This I have the commands of the board to deſire you will communicate to his Lordſhip, and at the ſame time that you will inform him the Lioneſs is to be diſpatched on the 5th of next month, and that any packets he may have to ſend to Europe will be taken every poſſible care of,

I am, Sir,
Your moſt obedient Servant,
(Signed) R. J. SULIVAN, Secretary.

Fort St. George,
20th of Jan. 1777.

* Or upon any other ſhip, until it is his Lordſhip's pleaſure to embark.

Lord Pigot told Major Horne, when he gave him the letter to read, that if the above had been added, it would have been more decent and proper for his view.

A true Copy from the Paper No. 2. delivered in by Mr. Ruſſel.

(Signed) G. A. RAM, Coroner.

To the Honourable Warren Haſtings, Eſq. Governor General, &c. Council of Bengal.

Honourable SIR, and SIRS,

Major Horne having this afternoon received permiſſion for me to write to you in his preſence, I think it proper to acquaint your Honour, &c. that having found it expedient, with the advice of my Council, to order Sir Robert Fletcher under arreſt, for being concerned in circulating in the garriſon letters of a ſeditious nature, Colonel James Stuart, the next officer in rank, was appointed to the chief command of the troops. This officer, who dined with me at the Fort, at his own deſire was invited by me to ſupper at the Company's Garden-houſe; which invitation he accepted, and at the ſame time acquainting me that he had no conveyance, requeſted I would take him with me in my chaiſe. I that afternoon deſired the gentlemen of the Council to meet me in the Fort; and I directed the Secretary to write to Colonel Stuart alſo, to attend, where I ſhewed him the Commiſſion of Government, and he then declared upon his honour that he would, that night, iſſue to the out-garriſons the general orders of Sir Robert Fletcher's being under arreſt, if the tappies were detained, and they were detained accordingly. No. 3.

I then took Colonel James Stuart into my chaiſe; and when I was upon the Iſland, ſomething more than half a mile from the Fort, my horſes were ſtopped by Colonel Eidingtoun, the Adjutant General, with a party of Sepoys. At this inſtant of time Captain Lyſaght preſented himſelf on that ſide of my chaiſe on which I was, with a piſtol in his hand, and Colonel Stuart ſeizing me by the arm, ſaid, "Go out, Sir," and delivered me to the charge of Captain Lyſaght, who conducted me to a poſt-chaiſe, and brought me priſoner to the Mount, where I was delivered into the cuſtody of Major Horne, who at the ſame time received from Captain Lyſaght the accompanying order; which are the only orders, Major Horne acquaints me, he has liberty to give me copies of. I remained in this

 confinement

confinement from Saturday night the 24th of Auguſt, to Thurſday the 27th, when between eleven and twelve at night, Colonel Eidingtoun arrived with freſh orders for my removal. I will leave other men to ſay how patiently I bore my confinement, and with what propriety I conducted myſelf upon Colonel Eidingtoun's refuſing to ſhew his orders, or to make known to me whither he was to conduct me. I thought it neceſſary to declare, that I would not truſt myſelf with a traitor who had made me priſoner, and that I would reſiſt whilſt life remained in me. Major Horne's prudence, and Colonel Eidingtoun's reflection, ſtopt this violence proceeding further, and receiving a viſit from Sir Edward Hughes in the morning, I thought it prudent to demand the protection of the King's flag; and Sir Edward Hughes has, in conſequence, demanded a ſafe-conduct for me to his ſhip.

I have recommended to all the civil ſervants of the Company, whom I have ſeen, to continue in the execution of their duty to the Company, in their ſeveral ſtations.

I am, Honourable Sir, and Sirs,

Your moſt obedient humble Servant,

(Signed) PIGOT.

Saint Thomas Mount,
29th Auguſt, 1777.

A true Copy from the Paper No. 3, delivered in by Mr. Ruſſel.

(Signed) G. A. RAM, Coroner.

No. 4. *To the Honourable George Lord Pigot.*

My Lord,

We have been honoured with your letter from the Mount, dated the 29th Auguſt, by the Triton. We had previouſly, by the Shrewſbury, a letter dated the 23d, from the Majority of the Council, which impreſſed us with the deepeſt concern for the unhappy exceſſes to which the differences in your Councils had then proceeded; and although the terms of their letter, and of the proteſts contained in it, gave us reaſon to expect the moſt alarming conſequences, yet we confeſs the account of your confinement filled us with equal anxiety and ſurpriſe.

Having

Having maturely weighed the ſubject of the reſpective advices before us, our duty obliges us, however reluctantly, to take a part in theſe unhappy contentions; and we wiſh it were poſſible for us to reconcile it to the high eſteem which we bear for your Lordſhip's character, and the extenſive ſervices you have formerly rendered to the Company; but the occaſion is too urgent and critical to admit of ſuſpence or indeciſion; we therefore deem it incumbent on us to declare, that the rights and powers of the Governor and Council of any of the Company's preſidencies are veſted, by their original Conſtitution, in the Majority of the Board; that the violence committed by your Lordſhip, in excluding two of the Members of the Council of Fort St. George from their places, was a violation of that Conſtitution; that the meaſures taken by the Majority to recover the actual Government, which of right is veſted in them, aroſe from the neceſſity of the caſe; and that we ſhall acknowledge and ſupport the title and authority which they conſequently poſſeſs. In doing this, it is ſufficient for us to know, that we are ſupporting the legal and conſtitutional Government of the Company, though we are not yet perfectly informed of all the train of facts which have brought the Government of Madras into the preſent ſituation.

To remove every poſſibility of a doubt, which your Lordſhip may entertain, that the whole powers of the Government exiſt in a Majority of the Members of the Council, we think it proper to tranſmit you an extract of a general letter which we have lately received from the Honourable the Court of Directors, by the Lioneſs, wherein you will find their ſentiments very clearly expreſſed.

We ſhould have been happy to have had it in our power, by acting as mediators, to effect a reconciliation between you and the other Members of the Council; and we ſhould have preferred this method, had not we feared that your differences had gone too far to admit of it, and that a want of ſucceſs in promoting that deſirable end might have been attended with conſequences more fatal than any which can reſult from our preſent decided reſolution.

We have thought it proper to acquaint Sir Edward Hughes with the part we have reſolved to take on this occaſion, that he may act conſiſtently therewith, in caſe the ſituation of the Company's affairs ſhould be ſuch as to make it requiſite for him to take an active part

 in

in the divisions of your Government, which we earnestly hope, however, will never happen.

We are, My Lord,

Your Lordship's most obedient humble Servants,

(Signed) WARREN HASTINGS,
J. CLAVERING,
RICHARD BARWELL,
P. FRANCIS.

A true Copy from the Paper No. 4, delivered in by Mr. Russel.

(Signed) G. A. RAM, Coroner.

No. 5. *Extract of a Letter from Lord Pigot to Sir Edward Hughes, dated St. Thomas's Mount, 14th of October, 1776.*

After all the trouble which I found myself under the necessity of giving you, I am concerned, that on the visit I have now the honor of receiving from you, you should meet with further requests; but I cannot help calling your attention again to my situation. My health and spirits, thank God, are good, although separated from my family; but I have been used to much exercise, and this I cannot take, circumstanced as you see me. I beg, therefore, that you will ask the Gentlemen in the Fort (if I am to continue under a guard of horse as well as foot), whether it would not be more decent that the Company's troop of horse should be ordered on that service in the room of the Nabob's black cavalry, sent hither by those gentlemen the morning after my confinement, seven weeks ago, which you saw arrive, and now see continue here; for, so guarded, I appeal to you whether it is advisable for me to move out of sight of the European guard.

A true Copy from the Paper No. 5, delivered in by Mr. Russel.

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ʃʃ.*

The INFORMATION *of Mr.* William Sedgley, *in the Service of the* Eaſt India Company, *taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the ſaid Town, on an Inquiſition taken at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and by Adjournment at the Houſe of Mr.* George Smith *(Foreman of the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That he came down to Madras from the northward, in February 1776, which was the firſt time he ever ſaw Lord Pigot. He has remained in the Settlement ever ſince. This Informant is particularly acquainted with the circumſtances of his Lordſhip's ſeizure, being employed as his Lordſhip's attorney at law, and of courſe has made frequent viſits to his Lordſhip during his confinement at the Mount; but he does not particularly recollect ever to have been taken aſide by his Lordſhip into his own room till the evening of the 6th of January laſt, when, upon a viſit he paid his Lordſhip at Major Horne's houſe at the Mount, where his Lordſhip was confined, his Lordſhip did this Informant that honor; and the converſation naturally turning upon the report which prevailed of an intention to ſend his Lordſhip forcibly on board the Lioneſs Indiaman, by order of the Gentlemen who form the preſent Council, his Lordſhip declared, with very unuſual warmth and energy, that he would not go from that houſe alive, and (this Informant thinks, with an oath) repeated the words more than once. This Informant was ſo much affected and agitated at the manner in which theſe words were ſpoken, that he almoſt immediately took his leave.

As

As this Informant has had but a bad ſtate of health ſince, he has not had many opportunities of ſeeing his Lordſhip.

(Signed) WM. SEDGLEY.

Sworn the 15th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of* John Maxwell Stone, *Eſq. taken upon Oath before me* George Andrew Ram, *his Majeſty's Coroner for the Town of* Madraſpatnam *aforeſaid, on an Inquiſition held at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *within the Diſtricts of the ſaid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the Houſe of Mr.* George Smith (*Foreman of the ſaid Inqueſt*), *in the ſaid* Fort.

THIS Informant, on his oath, ſaith, That he has known the ſaid Lord Pigot near twenty-two years ſince his (this Informant's) arrival in India. Lord Pigot always appeared to him to have enjoyed an extraordinary good ſtate of health : and ſince his Lordſhip's laſt arrival in India, and previous to his confinement at the Mount, this Informant never knew him confined by ſickneſs; nor did he ever know that his Lordſhip has taken medicines from the ſurgeons.

Lord Pigot was accuſtomed to take frequent exerciſe whilſt Governor of Madras, both before his going to England, and ſince his return. He always ſlept in the Fort. He uſed to ride out in a chaiſe in a morning to breakfaſt at the Company's Garden-houſe, and frequently took a long ride. After breakfaſt, his Lordſhip generally amuſed himſelf in the Garden, till about ten o'clock, when buſineſs uſually called him to the Fort, to which he generally returned in his carriage. After dinner, if he did not ſleep, he frequently went upon the fortifications. In the evening, he generally drove out in his chaiſe to the Company's Gardens, or took a long ride. He always ſupped at the Garden-houſe, and drove in after ſupper to the Fort.

Lord Pigot was made a prifoner on the Ifland the 24th of Auguft laft, and carried to St. Thomas's Mount, where he was delivered into the cuftody of Major Horne. This Informant has heard the particulars of Lord Pigot's feizure from his Lordfhip; but as this Informant was not prefent when Lord Pigot was taken, he cannot fpeak of it from his own knowledge. Soon after, this Informant received notice from the perfons who had feized on the Government of this Settlement, *viz.* Meffrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, that they had thought proper to fufpend him from his feat at the Council Board.

On the 28th of Auguft, in the morning, Captain Elphinftone, of the Triton Indiaman, came to this Informant's houfe in the Fort, and acquainted him, with the utmoft appearance of aftonifhment, that an attempt had been made, between eleven and twelve o'clock the night before, to remove Lord Pigot from the Mount, and that this Informant would foon hear enough to aftonifh him. This Informant went to the Mount the fame day in the evening; he faw Major Horne in the garden, and afked him if he (this Informant) might have permiffion to fpeak to his Lordfhip, as this Informant underftood that no one was permitted to fpeak to Lord Pigot but in Major Horne's prefence. Major Horne pointed to his Lordfhip, who was walking in the veranda. This Informant went up to his Lordfhip, and afked him how he did. When Lord Pigot anfwered him, this Informant obferved that his Lordfhip was exceeding hoarfe. This Informant told his Lordfhip that he had got a very bad cold. Lord Pigot replied, that he had no cold, that his hoarfenefs was occafioned by exerting his voice very much the night before when the attempt was made to remove him. His Lordfhip feemed agitated, and a good deal uneafy.

On the 4th of October laft, this Informant went to live at the Mount, where he conftantly refided from that time to his Lordfhip's removal from thence to the Company's Garden-houfe on the 28th of April laft. His Lordfhip's ufual exercife, during that time, was to walk down to Mr. Monckton's houfe, being about five or fix hundred yards diftance. Mr. Monckton and Lord Pigot's family refided at the houfe called General Lawrence's houfe. During his Lordfhip's confinement at the Mount his Lordfhip ufed to employ himfelf in the garden of the faid houfe, and generally returned back to dinner at Major Horne's houfe. In the afternoon his exercife was

generally the ſame; ſometimes he ſlept in the afternoon, and ſometimes not. This Informant has known his Lordſhip take longer walks in the environs of the Mount, and ſometimes to the top of the Mount. He only once went out in a chaiſe with Major Horne and his family, and the officers of his Lordſhip's guard. His Lordſhip was always attended by an officer, and an orderly man. And during the time of the firſt Quarter Seſſions, after his confinement, he was attended by two orderlies.

The accommodations which Lord Pigot had in Major Horne's houſe at the Mount, were only one room, which was his bed-room, about thirty feet by eighteen; on the weſt end of the room there was a ſmall paſſage and a cloſet; the paſſage Major Horne generally made uſe of to write in; the cloſet was uſed as a lumber cloſet for the family; one door of his Lordſhip's room opened into the paſſage, and another door into the hall, which, together with the veranda, his Lordſhip had the uſe of, in common with Major Horne's family, and the officers and others who viſited there.

This Informant has reaſon to believe, that a letter was written (having ſeen a copy of an anſwer to ſuch letter) in October, by Mr. George Stratton, Mr. Henry Brooke, Sir Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, to the Governor General and Council at Bengal, repreſenting the danger of ſuffering Lord Pigot to remain here, and the neceſſity of ſending him to England. This Informant believes that they expreſſed a wiſh to have the ſanction of the Governor General and Council of Bengal for doing ſo. The anſwer from Bengal, copy of which this Informant has ſeen, was, as well as he can recollect, dated ſome time in November; the Governor General and Council of Bengal (as it appeared to this Informant) therein encouraged Mr. Stratton and his aſſociates to carry the meaſure into execution, but declined taking upon themſelves any part of the reſponſibility. This Informant believes it was ſome time in October laſt that Lord Pigot heard that ſuch a letter had been written to Bengal; but it was not until about the 20th of January, that he ſaw copies of the letters to and from Bengal. Indeed his Lordſhip underſtood ſome time in November, that an anſwer had been received from Bengal, utterly diſapproving of the meaſure. About the beginning of January, a report had prevailed on the Settlement, at the time of the arrival of the Lioneſs Indiaman from Bengal, that Mr. George Stratton, Mr. Henry Brooke, Colonel James Stuart, Mr.

Archdale Palmer, Mr. Francis Jourdan, and Mr. George Mackay, (the perſons then acting as Governor and Council of this place) meant to ſend his Lordſhip to England by force.

On the 4th of January at night, Lord Pigot acquainted this Informant, that he underſtood ſuch was their intention, and that he had deſired Major Horne to acquaint them, that every thing having been referred to the Company, he ſhould wait with patience for their determination; but that he never would be taken away alive. Some few days afterwards his Lordſhip gave this Informant a copy of the letter which Major Horne had written to Mr. Stratton, in his Lordſhip's hand-writing, which this Informant begs leave to lay before the jury, many of whom are well acquainted with his Lordſhip's hand. On the 7th, Major Horne received a note, this Informant believes from Mr. Stratton, to acquaint Major Horne that he (Mr. Stratton) and his Council had juſt come to a reſolution not to ſend his Lordſhip home by force. As this note was from Mr. Stratton only, and not an official letter, it was not ſufficient to eaſe the minds of Lord Pigot's friends, particularly as it did not appear that any notice had been taken of a letter which had been written to Mr. Secretary Oakely, the 6th of January, by many of the Company's ſervants and inhabitants of the place, containing a proteſt againſt ſending Lord Pigot home by force. Theſe apprehenſions were increaſed by a report that about the 12th of the ſaid month, Mr. Stratton had aſſured Mr. Paſley, that an official letter was prepared, and would be ſent to his Lordſhip, expreſſing the reſolutions of Mr. Stratton and the gentlemen before mentioned, not to remove his Lordſhip by force. No ſuch letter was received; on the contrary, on or about the 16th of January, Lord Pigot received a paper from ſome perſon, this Informant does not know who it was, containing a draft of a letter, which appears thereby to have been intended to have been written on the 12th of the ſame month, but which appears by the remarks on it, to have been diſapproved by ſome of theſe gentlemen. This Informant muſt obſerve to the jury, that Lord Pigot always took copies himſelf of any papers containing information which he received privately, and deſtroyed the papers themſelves, to prevent a diſcovery of the perſons from whom he got his information. The paper which this Informant now begs leave to deliver in, is all in his Lordſhip's hand-writing, except the name *Mathew*, which was inſerted by this Informant inſtead of James.

On the 21ſt of January at noon, a letter was received by Major Horne from Mr. Secretary Sullivan, a copy of which, wrote likewiſe in Lord Pigot's hand, this Informant delivers now in; and as a proof of the impreſſion which it made on his Lordſhip's mind, this Informant begs leave to refer the jury to the note or obſervation made thereon by his Lordſhip, which is alſo in his Lordſhip's hand-writing. Conſidering the nature of the reſolution ſaid to have been come to as mentioned in the ſaid letter, and the diſtance of time between the taking of the ſaid reſolution, mentioned in the letter to be the 7th of January, and the date of the letter, viz. the 12th of January, it is not ſurpriſing that Lord Pigot and his friends ſhould ſtill be under a ſtate of anxiety and ſuſpence, particularly as another ſhip, the Prince of Wales, was expected to arrive from Bengal in a ſhort time, and to be diſpatched for Europe.

The anxiety which the whole of this tranſaction occaſioned in his Lordſhip's mind, was, this Informant thinks, apparent, as Lord Pigot never after appeared to this Informant to have thoſe ſpirits that he had before, which this Informant imputed to the effect which the intended removal had on Lord Pigot, and which ſeemed to hang on his mind, as he frequently mentioned the matter to this Informant, and even once in a very particular manner after his Lordſhip was taken ill. This was not only apparent to this Informant, but alſo to this Informant's family. This Informant obſerves, that all the papers which he has delivered in, he received from his Lordſhip's own hand. Captain Larkins of the Lioneſs Indiaman, told this Informant that he (Larkins) had been ſpoken to by one of the gentlemen of Mr. Stratton's Council (whoſe name Captain Larkins would not mention, but who, as this Informant afterwards heard, was Colonel James Stuart) regarding ſending Lord Pigot to England on his (Larkins) ſhip, and that he (Larkins) not ſeeming willing to receive Lord Pigot on board if put by force, was given to underſtand that if he did not, he would be turned out of the ſhip. This Informant adviſed Captain Larkins, if it ſhould come to that extremity, to receive Lord Pigot on board, and that this Informant would order a ſhip, whereof this Informant was part owner, then lying in the road, to follow him to ſea, and take his Lordſhip out. Captain Larkins replied, That whatever his Lordſhip deſired him to do he would do. This Informant has ſeen a copy of the orders from Colonel James Stuart, which were delivered to Captain Lyſaght and to Major Horne, regarding the manner of his Lordſhip's confinement; he has likewiſe ſeen copy of a ſub-

fequent order, which he underftands was given to Major Horne, by Meffrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, within a day or two after his Lordfhip's confinement; the fubftance of which was, that in cafe of any attempt to refcue Lord Pigot, his life muft anfwer for it. This order was fhewn to his Lordfhip immediately, or very foon after Major Horne received it, and this Informant believes was never withdrawn, but remained in force whilft his Lordfhip remained in confinement.

Lord Pigot had never any fword or other arms during his confinement, and to the beft of this Informant's remembrance, it was exprefsly directed in the order which Major Horne received, that his Lordfhip fhould not be fuffered to carry arms.

Lord Pigot appeared to enjoy a good ftate of health until the latter end of December or beginning of January. This Informant has already faid, that his Lordfhip's fpirits from that time appeared not fo good as before, but that he feemed full of anxiety. His Lordfhip was taken ill fome time between the 1ft and 8th of March.

Lord Pigot was removed from the Mount the 28th of April laft in the morning, as Mr. Pafley had judged a removal nearer the fea abfolutely neceffary for him. On the 26th of April, Mr. Pafley propofed to Mr. Ruffel, Mr. Monckton, and to this Informant, that Lord Pigot fhould be removed either to the Company's Garden-houfe, or Mr. Monckton's houfe on Choultry plain. This Informant does not know whether Mr. Pafley had before mentioned it to Mr. Stratton, but on the fame day a letter was received by Major Horne from Mr. Secretary Sullivan, acquainting him that as a removal was judged neceffary for the reftoration of his Lordfhip's health, they, the perfons in poffeffion of the government, had no objection to Lord Pigot's being removed to whatever place Mr. Pafley and his Lordfhip fhould think proper; and in cafe the Garden-houfe fhould be preferred, it fhould be fitted up for his Lordfhip's reception. The next day, being the 27th, Mr. Pafley broke the matter to his Lordfhip, and his Lordfhip confented to go to the Garden-houfe, of which Major Horne advifed Mr. Secretary Sullivan, and Lord Pigot was removed the next morning early. This Informant then thought Lord Pigot was in a very dangerous way.

This Informant believes that it was on the 9th of May that Mr. Pafley firft expreffed to him (this Informant) apprehenfions of the dangerous ftate in which his Lordfhip was; on the 10th at noon, Mr. Pafley fignified his wifh that Lord Pigot had faid every thing to Mr. Ruffel, Mr. Monckton, and this Informant, that he might have to fay, as he (Mr. Pafley) was apprehenfive that Lord Pigot could hold out but a few hours; and indeed Mr. Mallet told this Informant that he did not think his Lordfhip could live longer than four o'clock that afternoon.

On Sunday the 11th of May, in the morning, when this Informant came to the Garden-houfe, the ferjeant who was pofted at the gate came up to this Informant, and acquainted him that Major Horne had the night before, at eleven o'clock, come and informed him, that Lord Pigot was no longer to be confidered as a prifoner, and that the guards were to take no further charge of his Lordfhip. This Informant did not expect when he came to the Gardens to hear that Lord Pigot was alive, as this Informant did not think, from the ftate in which he had left his Lordfhip the preceeding night, that he could have furvived till morning. Lord Pigot died between eleven and twelve o'clock that forenoon. His Lordfhip was very much referved, and particularly with regard to every thing concerning himfelf.

(Signed) J. M. STONE.

Sworn the 16th day of May, in the feventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WILLIAM SEDGLEY, Clerk of Peace.

Copy of a Letter from Major Matthew Horne to Mr. Stratton, delivered in by Mr. Stone to the Jury on the Inqueft before mentioned.

Honourable Sir,

Yefterday afternoon Lord Pigot told me, he was informed that the Board had under confideration, the feizing and fending him on board fome fhip; that he underftood there were different opinions, however, refolved on; he was determined not to be carried alive: he faid,

if

if the East-India Company or the King's ministers disapproved of his conduct, let them send his dismission, and he would return to England by the first opportunity, and face any charge they had against him there; but as both sides had wrote to England, he would not leave the country until directions arrived, in consequence of those dispatches. I conceive it my duty to give you this information, and to acquaint you that his Lordship has not been down to Mr. Monckton's as usual, or stirred out of the house since.

I am, very respectfully,

Mount, 5th of Jan. 1777,
twelve o'clock.

Honourable Sir, &c.

(A true copy from a copy in the hand-writing of Lord Pigot.)

(Signed) G. A. Ram, Coroner.

Copy of a draft of a Letter intended to have been sent to Major Horne, delivered in by Mr. Stone to the Jury on the Inquest before mentioned.

Matthew (in Mr. Stone's hand.)
To Colonel ~~James~~ Horne, commanding at the Mount.

SIR,

The President has laid before the Board your letter to him, dated ; and by their direction I acquaint you, that it is not their intention to send home Lord Pigot, which you will be pleased to make known to him.

I am, SIR,

12th Jan. 1777.

Your most obedient Servant.

I think the letter to Major Horne quite unnecessary.

G. M.

I understand that his Lordship has, through Major Horne, been already made acquainted with the resolution of the Board.

H. B.

I beg

I beg leave to reprefent that there is no neceffity to write to Major Horne.

No name is to this, but it is the fubftance of J. S[ts]. opinion.

(A true copy, from a copy in the hand-writing of Lord Pigot.)

G. A. RAM, Coroner.

To Lieutenant Colonel Horne, commanding at the Mount.

SIR,

I am directed by the Prefident and Council to acquaint you, that it was refolved on Tuefday forenoon, the 7th inftant, that Lord Pigot fhould not be fent to England in the fhip now under difpatch *. This I have the commands of the Board to defire you will communicate to his Lordfhip; and at the fame time, that you will inform him the Lionefs is to be difpatched on the 5th of next month; and that any packets he may have to fend to Europe, will be taken every poffible care of.

I am, SIR,

Your moft obedient fervant,

(Signed) R. J. SULIVAN, Secretary.

Fort St. George,
20th Jan. 1777.

* Or upon any other fhip, until it is his Lordfhip's pleafure to embark.

Lord Pigot told Major Horne, when he gave him the letter to read, that if the above had been added, it would have been more decent and proper for his view.

(A true copy from a paper in his Lordfhip's hand-writing, delivered by Mr. Stone to the Jury on the Inqueft before mentioned.)

(Signed) G. A. RAM, Coroner.

(A true Copy).

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of Mr.* Joseph Nutting, *taken upon Oath, before me,* George Andrew Ram, *his Majesty's Coroner for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the House of Mr.* George Smith *(Foreman of the said Inquest), in the said* Fort.

THIS Informant, on his oath, saith, That he served the late Lord Pigot as valet de chambre upwards of five years; his Lordship's health, ever since this Informant has known him, has in general been very good, excepting, about three years ago, he had a violent fit of the jaundice, during which time he kept the house, but was not confined to his bed; since that, his health has been very good. Since his arrival in India his health has likewise been remarkably good. His Lordship was accustomed to rise early, about gun-fire, before his confinement; but since his confinement, not until between six and seven o'clock; which this Informant is of opinion, was out of compliment to the officers on guard over his Lordship, as his rising early would have made it inconvenient to the officers.

Lorn Pigot was also accustomed to take frequent exercise, particularly that of walking in the Company's gardens; he regularly went out in his open chaise, morning and evening, to different gentlemen's gardens, but chiefly to Mr. Monckton's, since Mr. Monckton's marriage with his Lordship's daughter.

Lord Pigot was carried to the Mount on the 24th of August last, and this Informant went there the day after in the evening, and remained there constantly from that time till his Lordship's removal to the

the Compauy's Garden-houſe. During the firſt part of his Lordſhip's confinement, he did not take a great deal of exerciſe; but, about three weeks or a month after his confinement, to the beſt of this Informant's recollection, he was permitted to go down to the houſe where Mr. Monckton and Lord Pigot's family reſided; but even after he was permitted, he did not at firſt come down ſo frequently as he did latterly: the diſtance from Major Horne's houſe to that where Mr. Monckton reſided, this Informant thinks exceeds a quarter of a mile. At Mr. Monckton's houſe he frequently exerciſed himſelf in the garden or overſeeing the workmen in and about the houſe, &c. This Informant believes his exerciſe in Mr. Monckton's garden might be as much as his exerciſe in general was before his confinement, but that it was confined to that place only; he never went out in any carriage whatever but once, when he accompanied Major Horne to a place a few miles diſtant from the Mount to drink tea.

This Informant has heard very frequently from the orderly men who have attended his Lordſhip, that ſhould his Lordſhip attempt to get into a carriage of any kind or palanquin, it was their orders to prevent him.

Lord Pigot has walked at different times during his confinement, to the top of the Mount, but only latterly; he was always attended by an officer and an orderly; his Lordſhip was never permitted to wear a ſword, during the whole of his confinement; there were guards ſtationed at the top of the Mount during his Lordſhip's confinement at the Mount.

This Informant ſhould have mentioned, that, in the firſt part of his Lordſhip's confinement, he was particularly attended by armed men; and this Informant was told, that his Lordſhip was not permitted to enter the gates of the garden in which Mr. Monckton lived; and this Informant has ſeen his Lordſhip come down to the gates of that houſe but not enter them, in the firſt part of his confinement.

The accommodation which Lord Pigot had at Major Horne's houſe was, one very good room, wherein he ſlept; and this Informant believes every neceſſary convenience he wiſhed for, as this Informant never heard him complain: he had no other room to himſelf, but he had acceſs to the hall and veranda, in common with Major Horne and his family; the room had a communication with the hall. There was a paſſage, into which Lord Pigot's chamber had a door;

 there

there ſtood in the paſſage a bureau, which Major Horne made frequent uſe of in writing at. Before Lord Pigot's ſickneſs Lord Pigot uſed to open and ſhut that door as he found it convenient, but after his illneſs it was always kept open.

On the Monday or Tueſday after his Lordſhip's confinement, about eleven o'clock at night, after this Informant had laid down to ſleep at Mr. Monckton's houſe, this Informant ſuddenly waked, and the firſt thing this Informant heard was his Lordſhip's voice, which this Informant could diſtinguiſh very diſtinctly. This Informant immediately got up and went into an adjoining room, where this Informant found Mr. Dalrymple, who this Informant perceived was dreſſing himſelf. This Informant aſked him, if he was going to Major Horne's; he replied, that he was. This Informant then left him, and returned to the room where this Informant had been aſleep. After this Informant had put on ſome cloaths, he went immediately to Major Horne's; this Informant found his Lordſhip in the veranda, diſputing with Colonel Eidingtoun and Major Horne; Mr. Dalrymple and Mr. Monckton were alſo there. The particulars of the diſpute between his Lordſhip, Colonel Eidingtoun, and Major Horne, this Informant found was, that theſe gentlemen had told him, that they were ordered to remove him; which had thrown his Lordſhip into a violent paſſion, and he was much agitated at the time; this Informant heard his Lordſhip ſay, that he would not be carried to any place whatever, excepting to his own Fort, or to the King's Admiral; that he would go into no carriage whatever, that he inſiſted upon; but that he would walk at the head of thoſe few brave fellows, alluding to ſome guards that were drawn up round him; that he had no fear but that they would protect him to the Fort or to the Commodore. This Informant heard Major Horne reply to him, that it was his orders to remove him, and that he muſt obey them by forcing him. This Informant heard Colonel Eidingtoun ſay to his Lordſhip, that it was not a time to diſpute the matter, nor was it proper (or that he did not think it proper), that his Lordſhip ſhould ſay ſo much in preſence of the men; what this Informant means, by ſaying, that Colonel Edingtoun thought what his Lordſhip had been ſaying to the men improper, was, that his Lordſhip had juſt before obſerved to the men, or in their preſence, that he made no doubt, but there were ſome among them who had formerly ſerved under him, and would be ready to protect him; he told Colonel Eidingtoun at the ſame time, that he did not think it proper that he (Eidingtoun) ſhould contradict what he ſaid, as he had

 ſerved

ſerved the Company for forty years, which might be before he was born.

Mr. Monckton and Mr. Dalrymple ſpoke in defence of his Lordſhip, and ſupported him in the diſpute with Colonel Eidingtoun.

This Informant thinks he remembers Lord Pigot putting his hands upon Major Horne's ſhoulders, and deſiring him to protect him.

About that time Colonel Eidingtoun and Major Horne left his Lordſhip with Mr. Dalrymple and Mr. Monckton.

Mr. Monckton came to this Informant, and deſired this Informant would go to his houſe and prevent the ladies from being alarmed, if he could (meaning his Lordſhip's daughters), as he every minute expected their return home from Mr. Smith's Garden-houſe, where they had ſupped that evening.

This Informant went immediately to Mr. Monckton's houſe, but did not find the ladies returned; they ſhortly came, in company with Mr. Ruſſel. Immediately after the ladies retired to their rooms, this Informant acquainted Mr. Ruſſel with what had happened at Major Horne's to his Lordſhip, reſpecting his removal; upon which Mr. Ruſſel immediately went thither. Very ſoon afterwards this Informant returned to Major Horne's himſelf, and found that his Lordſhip was gone into his room, but ſaw Colonel Eidingtoun and Major Horne ſitting at a table writing; after which this Informant returned back to Mr. Monckton's houſe.

This Informant muſt obſerve, that he ſaw a poſt-chaiſe ſtanding at Major Horne's gate, which this Informant was told belonged to Mr. Benfield, and he was informed, that it was brought thither for the purpoſe of carrying his Lordſhip to the place to which he was to be removed.

Early next morning, when Lord Pigot was getting out of his bed, this Informant aſked him how he did, and if he had any headache. His Lordſhip replied, No; and that he was very well. This Informant ought to have mentioned, when ſpeaking of the poſt-chaiſe, that he ſaw an European, who was the driver, and a ſerjeant in the Company's ſervice, attending it.

About laſt New-year's day, this Informant heard that there were orders given to ſend his Lordſhip on board the Company's ſhip Lioneſs, then in the Road, in order to tranſport him to England; on which account, his Lordſhip kept within Major Horne's houſe for three or four days without once coming out: that this Informant heard his Lordſhip expreſs a great diſlike to ſuch a propoſal, and that it ſeemed very diſagreeable to him. This Informant has heard his Lordſhip at different times ſay, that he would take care to prevent it if it was in his power.

His Lordſhip's health during his confinement at the Mount had been very good until his laſt illneſs, which commenced about eight or ten weeks ago; but that knowing ſo much of his Lordſhip's reſerved diſpoſition, this Informant is convinced Lord Pigot did not complain till ſome days after he muſt have been diſordered.

The firſt day that this Informant found he kept his room, he went to him as uſual; this Informant aſked him how he did; his reply was, that he was pretty well, but his breath was rather ſhort. This Informant obſerved, that he was a great deal oppreſſed and found great difficulty in breathing: this Informant thinks Mr. Mallet, ſurgeon of the artillery quartered at the Mount, gave his Lordſhip an emetic that day; and this Informant believes, the day following, Mr. Paſley came to his Lordſhip, and ordered him ſuch medicines as he thought his diſorder required. His Lordſhip continued ill about a month, and then grew better, but about the 3d or 4th of laſt month he relapſed; his Lordſhip then continued to be very ill, and had frequently violent reachings; theſe continued, and he grew worſe until his removal the latter end of Auguſt.

There were no guards attending his Lordſhip from the Mount to the Company's Garden-houſe; but this Informant believes that Major Horne did intend to accompany his Lordſhip in a palanquin, Major Horne having ordered his palanquin for that purpoſe; however, as it happened, he went before in a chaiſe: this Informant believes his Lordſhip did not think that Major Horne would accompany him, as his Lordſhip, out of his palanquin called for Major Horne, ſaw him, and ſeemed to take his leave of him; a gentleman ſtanding by, ſaid, that Major Horne meant to accompany his Lordſhip. This Informant did not obſerve, that day, or he thinks the day following, any guards about the Garden-houſe, more than ordinary; but this Informant (he believes it was on the third

day

day after Lord Pigot's removal) was told by ſerjeant Pepit, that there was another ſerjeant poſted at the gate of the Garden-houſe, where there was a tent pitched for him, to ſtay, as this Informant believes, as particular guard over his Lordſhip; the ſerjeant having told him, that he had orders to ſend daily, written reports to Major Horne, reſpecting what happened in the courſe of the day or of any thing particular that paſſed at the Garden-houſe This Informant, believes he mentioned the foregoing circumſtance to Mr. Ruſſel and Mr. Monckton. This Informant believes the guard did continue until the day of his Lordſhip's death; he did not hear that the guard was removed before his Lordſhip's death; after his Lordſhip's death, he was told, that Major Horne had given an order for the guard to be removed that morning from the gate, at the ſame time that Major Horne had given an order, that this Informant ſhould be made acquainted, that no part of Lord Pigot's property, in caſe he died, was to be conſidered under the care of any guards then about the Garden-houſe.

Mr. Paſley ſeemed to think three or four days before his Lordſhip's death, that his Lordſhip could not recover; having heard Mr. Paſley expreſs himſelf three or four different times, that his Lordſhip was ſo very weak, he could not recover. His Lordſhip died about eleven o'clock in the forenoon of the 11th inſtant, aged about fifty-eight; he was very much reſerved in his diſpoſition.

The morning that his Lordſhip left the Mount, to go to the Company's Garden-houſe, he ordered this Informant to open the box of a coach-ſeat, and take out of it a brace of piſtols, and to blow the priming out of them; he then deſired this Informant to return them into the box, which this Informant did accordingly.

(Signed) JOSEPH NUTTING.

Sworn the 16th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of Mr.* David Haliburton, *in the Service of the* Eaſt India Company, *taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the Town of* Madraſpatnam *aforeſaid, on an Inquiſition held at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *within the Diſtricts of the ſaid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead, and by Adjournment at the Houſe of Mr.* George Smith (*Foreman of the ſaid Inqueſt*), *in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That he knew Lord Pigot from the time of his Lordſhip's laſt arrival in India till his death, that from public report he knows that Lord Pigot was confined the 24th of Auguſt laſt, and carried to the Mount, where he ſaw his Lordſhip two days after in confinement.

This Informant heard it publickly reported in the month of January laſt, that there was an intention of ſending Lord Pigot forcibly to England ſome time in the end of that month. This Informant was with Lord Pigot, in his Lordſhip's room at the Mount, when his Lordſhip deſired this Informant to bring him from Mr. Stone, or Mr. Ruſſel, a copy of the letter from the Governor General and Council at Bengal, about ſending him (Lord Pigot) home. This Informant accordingly brought it to his Lordſhip, who read it with ſeeming agitation, and the expreſſion he made uſe of at the time was a very ſtrong one; this Informant remembers it perfectly, it was as follows: " Would not one think they were treating me as a " mad

" mad dog?" the letter acknowledged the receipt of another from Mr. Stratton and his Council, dated the 19th of October laſt.

This Informant has frequently been with his Lordſhip in private, ſince his confinement, and has obſerved his Lordſhip's ſpirits to be depreſſed, and a viſible alteration in him ſince the time that the intention of ſending him home was known to him.

This Informant further ſaith, on his oath, That the Saturday following, after his Lordſhip had been carried to the Mount, Mr. Sedgley, attorney at law to his Lordſhip, took Mr. Lathom and this Informant to Major Horne's houſe, and in their preſence did demand formally of Major Horne the order, or a copy of the order, by which Lord Pigot was detained a priſoner, and this Major Horne refuſed to produce. Mr. Lathom and this Informant made an affidavit of this refuſal of Major Horne, before Mr. John Turing, the then Mayor.

(Signed) DAVID HALIBURTON.

Sworn the 16th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WILLIAM SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of Mr.* Gilbert Paſley, *Surgeon in the* Eaſt India Company's *Service, taken before me,* George Andrew Ram, *his Majeſty's Coroner for the ſaid Town, on an Inquiſition taken at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead, and by Adjournment at the Houſe of Mr.* George Smith (*Foreman of the ſaid Inqueſt*), *in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That as the Jury on this Inqueſt have thought proper to put ſeveral queſtions to him, relating to his profeſſion in general, he ſhall endeavour to give them ſuch information as his experience affords him, and ſhall then proceed to inform them of what he knows, in particular regarding Lord Pigot, and of the diſorder of which his Lordſhip died.

This informant ſays, That there is from obſervation a great connection between the mental and corporeal parts, and whatever diſorders the one, may likewiſe affect the other.

That a deep ſenſe of injury and affront, eſpecially if often repeated and long continued, will certainly prey upon the mind, and occaſion obſtinate diſorders, which gradually waſte the conſtitution.

That the human paſſions have an immediate effect upon the conſtitution.

That when the mind dwells upon any ſubject of a diſagreeable nature, though this does not obſtruct the whole functions of the body, which would occaſion immediate death, yet it may impair them.

That

That the body may receive a great deal of injury when it is deprived of thoſe occupations, and of the exerciſe of thoſe employments to which it has been accuſtomed. The injury which the mind may receive is not ſo determinate.

Grief and ſtrong attention of the mind, in all diſſatisfactions, and in general, all thoſe things which affect the mind, have an effect on the body.

The more the paſſions and affections of the mind are concealed, the more they prey upon the mind.

This Informant does not think that the effects which the mind has upon the body are ſo eaſily produced on perſons in advanced life, who have generally more firmneſs and fortitude, and leſs ſenſibility of nerves, and are therefore more able to ſupport the injuries which ariſe from the change of ſituation, and other misfortunes.

The immediate effects of the paſſions on the body are diſcoverable by every perſon, but their effects on the animal œconomy, in the production of diſeaſes, are more ſlow, though certain.

Grief and anxiety of mind affect the ſyſtem in general in producing diſeaſes, and if they exiſt during the diſeaſe, may aggravate circumſtances much.

The feelings of injuries, and the effects which they have upon the conſtitution, muſt always be in proportion to the character, dignity, and proſpects of the perſon who experiences the injury.

This Informant ſays, that he knew Lord Pigot during his former government, and alſo ſince his laſt arrival in India, during all which time this Informant has never known him to complain, ſo as to require medicines, except from the commencement of his laſt illneſs in March laſt.

This Informant firſt knew Lord Pigot in September 1756, at which time this Informant was ſurgeon's aſſiſtant in the Company's ſervice. He has reſided conſtantly at Madras ſince the year 1761, as one of the two ſurgeons of the eſtabliſhment.

During Lord Pigot's firſt illneſs this Informant was conſtantly with his Lordſhip, while any danger remained; and afterwards, when abſent, left directions with Mr. Mallet, the ſurgeon's aſſiſtant at the Mount. In his Lordſhip's laſt illneſs this Informant ſtaid in the houſe with his Lordſhip. Mr. Anderſon, the other ſurgeon of the ſettlement, alſo viſited his Lordſhip.

This Informant is of opinion, That the general good health of Lord Pigot before his confinement, is a proof that the exerciſe which he took agreed with his conſtitution, and was of great conſequence in preſerving his Lordſhip's health.

As to any alteration or abatement in the kind of exerciſe which Lord Pigot was accuſtomed to take; this Informant obſerves, that all involuntary reſtraints, accompanied with uneaſineſs of mind, are productive of diſorders, and no doubt, in many reſpects, contributed to lay the foundation of his Lordſhip's diſorder; but it is alſo to be obſerved, that Lord Pigot's illneſs was a diſorder peculiar to this country. Men in all circumſtances, in all ſituations, are ſubject to diſorders of the ſame kind; though uneaſineſs of mind and a diminution of exerciſe never fail to produce bilious diſorders, of which his Lordſhip died. His Lordſhip died of a putrid bilious fever, originated in a diſordered liver. This diſorder is occaſioned by a variety of cauſes, as intemperance, impaired digeſtion, paſſions of the mind, indolence, and want of exerciſe, all which, and other cauſes, contribute to lay the foundation of liver obſtructions, the conſequence of which is ill conditioned bile thrown into the bowels, which in courſe of time putrifies, and produces fevers, fluxes, and other complaints.

His Lordſhip's firſt illneſs was of the ſame kind with that of which he died, but he was then ſtrong, and could bear the effects of medicines, conſequently he ſoon recovered; but this Informant thought it neceſſary to appriſe his Lordſhip, that the effects of his diſorder were only removed, and that his diſorder had originated in a diſeaſed liver; alterative medicines, and caution in his diet, and ſleeping, would be neceſſary to prevent relapſes. His Lordſhip having no feeling of any ails, and great confidence in a good conſtitution, was unwilling to ſuppoſe that he could require any courſe of medicines, urging at the ſame time, that he thought himſelf as well as any man in India. After his Lordſhip's firſt illneſs he did not acquire his uſual ſtrength, and in the courſe of a little time, perhaps a fortnight,

fortnight, his Lordſhip began to have ſymptoms of a return of his complaints, much putrid bile in his bowels, and a degree of inflamation in the ſubſtance of his liver, which altogether brought on a relapſe of his fever, with an enlargement of his liver; and as he had not recovered the ſame ſtrength of body, nor could bear the effects of medicines ſo well as in his firſt illneſs, it proved fatal.

The accommodation which Lord Pigot had at Major Horne's houſe at the Mount, was one large room and a cloſet, which was a lumber room; his Lordſhip had acceſs to the hall and veranda in common with the family and officers who viſited there. This Informant ſhould not have thought the removal of Lord Pigot from his ſituation at the Mount neceſſary, if there had not been reaſon to expect bad effects, in the condition he was in, from the approaching hot winds.

This Informant has heard from the relations of others, but eſpecially from the evidence of Meſſrs. Monckton, Ruſſel, Stone, and Lord Pigot's ſervant, taken on this Inqueſt, a particular account of an attempt made on the 27th of Auguſt, to remove his Lordſhip from the Mount, of an order relative to any attempts to reſcue Lord Pigot, in caſe of which his life was to anſwer for it; alſo of an intention to ſend Lord Pigot to Europe, with which laſt this Informant was himſelf acquainted; Mr. Stratton having told this Informant, that he and his Council had come to a reſolution not to ſend his Lordſhip to England by force, this was in the month of January. How far theſe circumſtances might have laid the foundation of, or increaſed Lord Pigot's diſorder, this informant has already obſerved in general, that a diminution of the uſual exerciſe that one is accuſtomed to, and ſtrong affections of the mind, are productive of bilious illneſs; but this Informant cannot in particular ſay, that the paſſions and exertion of Lord Pigot on the 27th of Auguſt, laid the foundation of the diſorder of which his Lordſhip died; the more uſual effects of violent paſſions and violent exertions are to produce immediate diſorders. As to the order before ſpoken of, ſo far as might affect his Lordſhip's mind, it would contribute to increaſe his diſorder.

In regard to the intention of ſending Lord Pigot to Europe, which it appears from the evidence of Meſſrs. Ruſſel and Stone, was known to his Lordſhip in October, and from the apprehenſions of which he was not totally freed till even after the ſailing of the Lioneſs,

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this Informant cannot ſay that a knowledge of this did lay the foundation of his Lordſhip's diſorder, but that this and other diſtreſſes during his Lordſhip's confinement, did contribute to lay the foundation of his Lordſhip's diſorder. Lord Pigot had been ill ſome days before this Informant was called upon, by which means his complaints had a putrid appearance, and were alarming. This Informant underſtood that his Lordſhip had been ailing for ſeveral days before that, though he did not confine himſelf.

It is probable that his diſorder was then operating on his habit, but how long before that, his diſorder had taken place in his conſtitution this Informant cannot determine; though all diſorders of this kind have their cauſes exiſting in the conſtitution long before they appear. After what this Informant hath ſaid on the ſubject of his Lordſhip's health, he hath only to add, that during the cold months, when his Lordſhip ſeemed to be in perfect health, the weather then counteracted the effects of his confinement, and other circumſtances, which might contribute to form a diſeaſe; but the heat of the ſun in the ſpring, by increaſing a redundance of bile, and giving it a tendency to putrefaction, probably brought on more ſpeedily Lord Pigot's illneſs. That his Lordſhip's ſituation, and the circumſtances, which attended it, contributed to lay the foundation of the diſorder of which Lord Pigot died, this Informant hath already obſerved, but he cannot ſay, whether in any ſituation his Lordſhip might not have been attacked with diſorders.

This Informant wrote to Mr. Stratton the   of April, that he thought it neceſſary to remove Lord Pigot from the Mount on account of his illneſs. Mr. Stratton told this Informant, that if it was judged neceſſary to remove his Lordſhip from the Mount, the Garden-houſe ſhould be fitted up for his reception, and this Informant believes he wrote to Major Horne to the ſame purport.

This Informant attended Lord Pigot from the Mount to the Company's Garden-houſe on the 28th of April, and conſidered him as then in danger. On the road thither this Informant did not perceive that his Lordſhip was under any military reſtraint. Mr. Stratton ſent for this Informant the ſame morning; the Council were then ſitting. Mr. Stratton came from the Council Board, and told this Informant the Council were conſidering of replacing guards over

Lord

Lord Pigot. This Informant told Mr. Stratton that he was exceedingly concerned, that ſhould be under diſcuſſion, as the decency of his Lordſhip's coming from the Mount without guards gave general ſatisfaction. Mr. Stratton ſaid that he had been arguing againſt it himſelf. This Informant therefore begged him to uſe, as an additional argument, that it was this Informant's opinion, if this circumſtance ſhould come to his Lordſhip's knowledge, it would irritate him much, and might do him conſiderable injury in his preſent ſituation. Mr. Stratton ſeemed ſatisfied with the remark, and returned into the Council-room. Mr. Monckton afterwards told this Informant, that Major Horne had reported himſelf as ſtill having charge of his Lordſhip at the Company's Garden-houſe. This Informant cannot ſay whether or not Mr. Monckton told him by whoſe particular orders, but this Informant believes it was by the authority of this preſent government.

In converſing with Mr. Stratton on Lord Pigot's illneſs and private affairs, this Informant could not help expreſſing his fears that his Lordſhip might die without arranging his family matters. Mr. Stratton told this Informant, that he (Mr. Stratton) believed that was already done; for that his Lordſhip, before he went to Tanjour, took him familiarly into his (Lord Pigot's) room, and ſaid, George, (meaning him Mr. Stratton) ſhould any accident happen to me, you will remember that Mrs. Monckton's marriage ſettlement, ſome papers, and my will, are contained in that bureau, pointing to a bureau. This Informant reported this to Mr. Monckton and Mr. Ruſſel, he thinks, three days before Lord Pigot's death.

Two or three days before his Lordſhip's death this Informant acquainted Mr. Stratton, in a note, that his Lordſhip's ſtrength fell off very much, and that there were no hopes of his recovery.

This Informant obſerves, that the Jury are well acquainted with Lord Pigot's reſerve. During this Informant's attendance on Lord Pigot, he never ſpoke to this Informant concerning his confinement, and if at any time Lord Pigot ſpoke of Mr. Stratton on any indifferent matter, he ſpoke of him with temper.

Lord Pigot died on the 11th of May, between ten and eleven o'clock, aged, as this Informant hath heard, about fifty-eight years.

This

This Informant was at the Company's Garden-houſe at the time of his death.

(Signed) GILBERT PASLEY.

Sworn the 17th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ff.*

The INFORMATION *of Mr.* James Anderſon, *Surgeon in the* Eaſt India Company*'s Service, taken upon Oath before me* George Andrew Ram, *his Majeſty's Coroner for the ſaid Town, on an Inquiſition held at the Company's Garden-houſe, diſtant about a Mile from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and by Adjournment at the Houſe of Mr.* George Smith (*Foreman of the ſaid Inqueſt*), *in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That as the Jury on the Inqueſt have thought proper to put ſeveral queſtions to him relating to his profeſſion in general, he ſhall endeavour to give them ſuch information as his experience affords him, and ſhall then proceed to inform them of what he knows in particular regarding Lord Pigot, and the diſorder of which he died.

This Informant ſays, that there is in the human body a reciprocal influence between the mental and corporeal parts, and whatever diſorders the one does likewiſe affect the other.

That the impreſſions of pleaſure and ſatisfaction are productive of health, and the contrary from the reverſe.

That it is dangerous to tamper with the human paſſions, as they may be eaſily thrown into ſuch diſorders as to produce violent effects upon the conſtitution.

That when the mind dwells upon any ſubject of a diſagreeable nature, it in ſome degree obſtructs the functions of the body.

That

That the mind is eaſier under theſe employments to which it is accuſtomed.

That the ſorrowful paſſions may ſometimes deſtroy the animal œconomy, but that theſe affections are frequently produced from diſeaſes of the body.

That the paſſions and affections of the mind will produce an effect upon the conſtitutions of ſuch as are not ſo much of philoſophers as to have conquered thoſe paſſions and affections.

That in his opinion, the paſſions make leſs impreſſions upon perſons in advanced life, as they have more reaſon and reflection, and time for more obſervation of mankind, and of themſelves.

That great alterations in reſpect to exerciſe are attended with much riſque.

That there is no doubt but perſons who are in agreeable circumſtances have greater chances of enjoying health than in the reverſe.

This Informant remembers ſeeing Lord Pigot here when he was Governor before, in the year 1762, and ſince his laſt arrival here.

This Informant remembers, about a twelvemonth ago, that Lord Pigot once complained of a foulneſs and weight about the pit of his ſtomach, which he ſeemed to think might be a bile. This Informant told him, that he thought it might, and recommended to his Lordſhip to take a purge. Lord Pigot told him, that he ſometimes was in that ſituation, and that he relieved himſelf by abſtinence; he was, in conſequence, well without taking any medicine.

The morning of Lord Pigot's removal to the Mount, on the 24th of Auguſt, this Informant went to breakfaſt with him; he took this Informant on one ſide, and ſhewed him a mark he had on his forehead. This Informant told him, that it ſeemed to proceed from ſome heat of body, and recommended to him to keep himſelf quiet, and to his regimen, until ſuch appearances ſhould go off. Some perſon coming paſt treated the matter lightly, but this Informant inſiſted on ſending him ſomething to apply to it, as the part was irritated by his wearing his hat. As to the general ſtate of his health, this Informant underſtood, that it was remarkably good.

When he had ſlight indiſpoſitions he uſed to get rid of them by abſtinence.

The exerciſe which Lord Pigot took before his confinement muſt undoubtedly have contributed to preſerve, not only his health, but his ſtrength.

This Informant viſited Lord Pigot at the Mount twice during his laſt illneſs, and found him weaker, and altogether worſe, on his ſecond viſit than on the firſt.

Lord Pigot's diſorder ſeemed to be putrid bile, attended ſometimes with fever. After Lord Pigot's arrival at the Company's Garden-houſe, the 28th of April laſt, this Informant called four times a-day to ſee him. As far as this Informant was able to judge from ſeeing Lord Pigot, it appeared, that he diſcharged putrid bile by ſtool whenever he took phyſic; and from a pain which he complained of in his ſide, and a fulneſs about the region of the liver, this informant thought that Lord Pigot's liver was enlarged, which he could more eaſily judge of from his Lordſhip's being much emaciated.

This diſorder is ſometimes mortal, but it is likewiſe frequently removed by medicines.

His Lordſhip told this Informant, that he could almoſt tell the day when he became ill: he had been working in the garden till late in the ſun, that he came in very hot (this Informant thinks Lord Pigot ſaid) to Mr. Monckton's houſe, and drank ſomething; this Informant thinks Lord Pigot ſaid it was punch, and was very much overheated. Whether this converſation related to his firſt or ſecond illneſs this Informant does not know, becauſe at the time his Lordſhip mentioned it, he was ſo weak that this Informant did not chooſe to aſk more queſtions than ſeemed abſolutely neceſſary.

This Informant has heard from ſeveral perſons, and particularly from the evidences of Meſſrs. Monckton, Ruſſel, Stone, and my Lord's ſervant, the circumſtances of an attempt to remove Lord Pigot from the Mount, and alſo of an intention to ſend Lord Pigot by force to England; as to what effect the attempt to remove Lord Pigot from the Mount might have on his Lordſhip's health, this Informant will not ſo far accuſe the memory of Lord Pigot as to

 ſuppoſe

ſuppoſe it could have any conſiderable effect, becauſe this Informant has not been ſo much with Lord Pigot as to be perfectly acquainted with what he might feel or ſuffer on that occaſion.

This Informant has already obſerved that the paſſions of the mind very much affect the body, but with regard to the effect that the attempt to remove his Lordſhip from the Mount, and his agitation on that occaſion, might have on the body or mind of Lord Pigot, this Informant ſaw Lord Pigot in perfect health, and underſtands that he enjoyed a great degree of health for ſome time after that attempt.

As to what effect the knowledge of an intention to ſend Lord Pigot to England by force might have on his Lordſhip's mind, this Informant cannot pretend to ſpeak from his own knowledge, becauſe he had not an opportunity of ſeeing Lord Pigot about that time.

As to how long Lord Pigot's diſeaſe might have lain dormant in his conſtitution before the viſible effects of it appeared, this Informant thinks that Lord Pigot had no local diſeaſe in the parts which were afterwards affected till the time that he was overheated in the garden, as before mentioned.

This Informant ſays, that ſome days before Lord Pigot's death, he mentioned to many perſons that Lord Pigot grew weaker and weaker every day, and ſeemed to be dying. This Informant mentioned this in particular to Commodore Sir Edward Hughes, whom he accidentally met at the Company's Garden-houſe the night before his Lordſhip's death; that Lord Pigot was very low; and that this Informant had no hopes of his recovery. This Informant has further to obſerve, that the ſeaſon of the year, during Lord Pigot's illneſs, was the hotteſt ſeaſon of the year, and that Farenheit's Thermometer was at 95. 96, 97, degrees every day at the time in the ſhade.

(Signed) JA. ANDERSON.

Sworn the 17th day of May in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me, (Signed) G. A. RAM, Coroner.

A true Copy.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of Mr.* Thomas Davis, *Surgeon in the Service of the* East India Company, *taken upon Oath before* George Andrew Ram, *Coroner of our Lord the King for the said Town, on an Inquisition taken at the Company's Garden-house, about a Mile distant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead, and by Adjonrnment at the House of Mr.* George Smith (*Foreman of the said Inquest), in the said Fort.*

THIS Informant, on his oath, saith, That as the Jury on this Inquest have thought proper to put several questions to him, relating to his profession in general, he shall endeavour to give them such information as his experience affords him, and shall then proceed to inform them of what he knows in particular regarding Lord Pigot.

This Informant says, that in the human body there is a reciprocal influence between the mental and corporeal parts, and whatever disorders the one likewise affects the other more or less.

This Informant is of opinion, that a deep sense of injury and affront, especially if they are often repeated and long continued, will prey upon the mind, and that they may affect the constitution so as to produce dangerous disorders.

This Informant is of opinion, that it certainly is dangerous to tamper with the human passions; for, from the passions of the mind, the human body may be so affected as to produce the most violent disorders.

That when the mind dwells upon any ſubject of a diſagreeable nature, this, in ſome degree, obſtructs the whole functions of the body.

That when the mind is deprived of thoſe occupations, and of the exerciſe of thoſe faculties to which it hath been accuſtomed, it may thereby receive a great deal of injury.

That the ſorrowful paſſions are frequently the cauſes of diſeaſes.

This Informant is of opinion, that thoſe diſtreſſing impreſſions, which ariſe from great mortifications, humiliations or vexations, are greatly aggravated by any neceſſity the perſon ſuffering may be under to conſtrain or maſk them, and that in proportion to the ſenſibility of the perſon who is attacked by them.

This Informant is of opinion, that the dangerous effects of the paſſions are more eaſily produced on perſons in advanced life than any others.

That when the paſſions have been ſtrongly agitated, this Informant thinks, that it is not difficult for a phyſician to diſcover the detriment they have produced in the conſtitution.

This Informant has known Lord Pigot ever ſince his laſt arrival in India; he always appeared to have enjoyed a good ſtate of health. This Informant is of opinion, that Lord Pigot's general good health is a proof that the exerciſe which he uſually took before his confinement agreed with his conſtitution, and was of great conſequence in preſerving his health.

As this Informant was not conſulted by his Lordſhip's phyſicians at any time during his illneſs, and as this Informant had not an opportunity of inſpecting his Lordſhip's body after his deceaſe, he cannot pretend to ſay how far the great alterations and abatement in the kind of exerciſe which his Lordſhip took might, or might not, render his caſe mortal.

This Informant is of opinion, that anxiety, and a peculiar ſtrong agitation of the mind, from many cauſes, may not only fix a diſeaſe, and increaſe it, but even render it mortal.

This

This Informant ſays, that had the circumſtances happened to him which happened to Lord Pigot, during his confinement, they would have ſo irritated the paſſions of his (this Informant's) mind, as to produce diſagreeable effects on his conſtitution.

This Informant is of opinion, that the anxiety which his Lordſhip muſt have been under, whilſt the ſending him by force to England was under conſideration, and on other occaſions during his confinement, might ſerve to injure his Lordſhip's conſtitution.

This Informant has heard, from the evidences taken on this Inqueſt, that there was an order given to Major Horne, that in caſe of any attempt to reſcue Lord Pigot, his life was to anſwer it, which it does not appear was ever withdrawn ; ſuch an order happening to this Informant would greatly encreaſe his anxiety.

This Informant has already obſerved, that every degree of degradation and anxiety of mind may more or leſs impair a man's conſtitution ; ſo, according to Lord Pigot's more or leſs ſenſibility, muſt his health have been impaired.

This Informant obſerves, that the reſerve of his Lordſhip's temper, increaſed by the reſtriction he was under, and the cautions he was obliged from his ſituation to obſerve, being never without a guard on his perſon and actions, muſt certainly add to his Lordſhip's mortifications.

This Informant reſided at the Mount for the greateſt part of the time during Lord Pigot's confinement there, and frequently ſaw his Lordſhip during that time.

In converſation with Lord Pigot, in company with other gentlemen, this Informant has heard his Lordſhip ſay, and has alſo underſtood from others, that there was an intention of ſending his Lordſhip home, at which his Lordſhip expreſſed much warmth, and ſaid, " that if they did ſend him, they ſhould ſend him dead ; for " that he would not go on board ſhip alive."

During the early part of Lord Pigot's confinement, it was obvious to this Informant, that his Lordſhip enjoyed great good health ; but ſome little time before his illneſs, this Informant thought that he perceived that his Lordſhip had not thoſe good ſpirits he was uſed to have.

have. After Lord Pigot became ill, this Informant did not obſerve any thing in his Lordſhip but what was incident to men labouring under diſeaſe.

This Informant never ſaw Lord Pigot during his confinement without an officer and an artillery-man, and ſometimes two. His Lordſhip uſed frequently to walk in this Informant's garden as well as in the other gentlemen's gardens at the Mount; but this Informant more particularly took notice that his Lordſhip amuſed himſelf in that garden which is called General Lawrence's garden. This Informant never recollects to have ſeen Lord Pigot on horſeback, or in a chaiſe; and his Lordſhip's exerciſe appeared to him to be altogether circumſcribed to the environs of the Mount.

This Informant frequently viſited at Major Horne's, and ever after the confinement of Lord Pigot he ſaw there a guard, which he believes might be more or leſs than twenty men, with a drummer and fifes, which this Informant always underſtood was conſtituted for taking charge of Lord Pigot, to which guard the officer and orderly, who daily, by rotation, attended his Lordſhip, belonged; theſe were ſtationed without the gate of Major Horne's houſe, and this Informant always ſaw two European centinels within the gate, ſtanding at their ſtations, or walking in the front of the veranda.

(Signed) THOMAS DAVIS.

Sworn the 19th day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of* William Mallet, *Surgeon in the Service of the* Eaſt India Company, *taken upon Oath before me* George Andrew Ram, *his Majeſty's Coroner for the ſaid Town, on an Inquiſition taken at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE LORD PIGOT, *there lying dead, and by Adjournment at the Houſe of Mr.* George Smith *(Foreman of the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant, on his Oath, ſaith, That he has known the late Lord Pigot ever ſince the commencement of his Lordſhip's confinement in Auguſt laſt. This Informant officiated as ſurgeon to the corps of artillery, ſtationed at the Mount, during the time of his Lordſhip's confinement at that place. This Informant has heard a report of an intention to ſend Lord Pigot to England; but for the truth of this report he cannot anſwer. This Informant ſaw his Lordſhip frequently, and ſometimes daily, during his confinement at the Mount. His Lordſhip before his late illneſs always appeared cheerful, and in a good ſtate of health, until the 6th of March, when his Lordſhip was firſt attacked with the illneſs of which he died; this was a bilious complaint of which there are daily inſtances, and which is incident to the nature of the climate; this diſorder is often mortal, and particularly ſo when the liver is affected.

His Lordſhip's general exerciſe in his confinement was walking to and from Major Horne's houſe to the houſe called General Lawrence's, where Mr. Monckton and his Lordſhip's family reſided, ſometimes employing himſelf in the garden of that houſe, and at other times walking on the plain, and ſometimes to the top of the

Mount: in theſe walks his Lordſhip was guarded on his firſt arrival by the officer of the guard, ſometimes afterwards with the addition of an orderly gunner, which guard was continued till his Lordſhip's removal to the Garden-houſe. This Informant cannot ſay paticularly how long his Lordſhip confined himſelf, or was confined from walking out from the firſt of his arrival. Lord Pigot, during his confinement, went out but once in a chaiſe, which, to the beſt of this Informant's recollection, was to a place called the Cave of Deſpair, diſtance ſuppoſed to be three miles, accompanied by Major Horne and family with ſome artillery officers. This Informant has been frequently at Major Horne's houſe at the Mount, both before and ſince his Lordſhip's confinement; he was preſent there when Lord Pigot was brought to the Mount, on the 24th of Auguſt laſt, when his Lordſhip appeared to this Informant to be a good deal agitated and ſomewhat confuſed; his Lordſhip was attended by Captain Lyſaght and a grenadier, who came behind the chariot in which his Lordſhip was; Captain Lyſaght delivered a paper to Major Horne in which were orders or written inſtructions. This Informant's motive for ſo ſaying was from hearing Captain Lyſaght interrogate Major Horne in the following manner: Do you chooſe to abide by theſe orders? To which Major Horne replied, I do, as orders from my commanding officer. From the orders which this Informant then heard given by Major Horne to the acting adjutant to order an officer's guard, he concluded that the orders in the paper were touching the care of Lord Pigot's perſon. To the beſt of this Informant's recollection, Lord Pigot had no ſword on at that time, nor did this Informant at any time after ſee his Lordſhip with a ſword or any other arms. There were preſent with Major Horne, when Lord Pigot was brought to him, Mr. Sutliff, the acting Adjutant, and this Informant, it was between the hours of nine and ten at night. Before the time that Lord Pigot was brought there, to the beſt of this Informant's recollection, there uſed to be only a Sepoy centinel at Major Horne's gate, but after Lord Pigot being brought there, the uſual guard of an officer, conſiſting, this Informant believes, of thirty men, mounted, adjacent to Major Horne's houſe, from which guard two centinels were poſted at the gate.

One evening about the 6th of March, that this Informant met with Lord Pigot at Major Horne's houſe, his Lordſhip complained to this Informant of a ſick ſtomach, and a conſtipation of the bowels, for which his Lordſhip deſired this Informant to give him a doſe

 of

of Phyfic, which accordingly was prefcribed; the enfuing day he (Lord Pigot) complained of its not having had fo great an effect as he could wifh; the ficknefs of his ftomach increafed, and this Informant advifed him to take an emetic, by which he benefited fomewhat; the complaint ftill remaining, the advice of Mr. Pafley was thought proper to be called in, who prefcribed alfo another emetic, and afterwards fent him (Lord Pigot) what medicines he thought proper from Madras. As to the progrefs of his Lordfhip's firft illnefs, he benefited daily by Mr. Pafley's prefcriptions, fo as in a fhort time to be able to take his ufual walk to fee his family at General Lawrence's houfe; he continued his walks as ufual for a few days, and ufed exercife in the garden, greatly, as this Informant imagines, to the prejudice of his recovery; a few days after he was difpofed to be rather feverifh, and complained again of the ficknefs of his ftomach, attended with an uneafy fenfation in his fide, for which Mr. Pafley prefcribed bleeding, but his Lordfhip rejected it. His Lordfhip benefiting nothing all this while, and the land wind feafon approaching, the removal nigher the fea was propofed, to fee if it would produce any good effects. Lord Pigot was removed on or about the latter end of April to the Company's Garden-houfe, where Lord Pigot died on the 11th of May laft, about twenty-two minutes before eleven o'clock; and this Informant was then prefent, and Mr. Pafley alfo, at his Lordfhip's expiring moments. This Informant conceived Lord Pigot to be in danger from the time of his relapfe, and the fymptoms by no means abating, he formed a judgment of his Lordfhip's dangerous fituation. This Informant did not communicate his opinion on that head to any one, further than by faying that his Lordfhip was in a dangerous way, and this Informant believes particularly to Mr. Davis; this Informant might alfo poffibly have acquainted Major Horne, but he cannot poffibly affirm that he did or did not.

This Informant hath been in the country going on eight years; he commenced the Eaft India Company's fervice in the year 1771, nigh three years of which he attended under Mr. Pafley in the Madras hofpital; the artillery being removed to the Mount, this Informant was appointed to act as furgeon to that corps during their being cantoned. This Informant hath filled that office, in which he was to have been confirmed at the refignation of Mr. Hinchly, as being the firft for that promotion; but no attention was then paid by the

Council as to his promotion taking place, which was delayed till within a few months paſt.

(Signed) Wm. Mallet, Surgeon.

Sworn the 19th of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. Ram, Coroner.

A true Copy.

Wm. Sedgley, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of* Richard Lathom, *Esq; taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the Town of* Madrafpatnam *aforefaid, on an Inquifition held at the Company's Gardenhoufe, about a Mile diftant from* Fort St. George, *within the Diftricts of the faid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the Houfe of Mr.* George Smith (*Foreman of the faid Inqueft*), *in the faid* Fort.

THIS Informant, on his oath, faith, That he firft knew the late Lord Pigot the latter end of January 1759, when his Lordfhip was Governor of Madras.

That from the time when this Informant was firft acquainted with his Lordfhip, to the time of his Lordfhip's embarking for England, his Lordfhip's health was, in general, very good. After Lord Pigot's return to India, this Informant, who was then Chief of Cuddalore, faw his Lordfhip at that place on the 1ft of April 1776; Lord Pigot was then in good health, and told this Informant that, during his (Lord Pigot's) ftay in England, he never had fo much as a finger-ache. Lord Pigot continued at Cuddalore till the 3d of April, from which time, till this Informant came down to Madras (which he thinks was in the beginning of Auguft), he did not fee his Lordfhip. On this Informant's arrival at Madras he enquired of Lord Pigot how he did? His Lordfhip told this Informant that he was well.

Lord Pigot was feized and carried to the Mount on the night of the 24th of Auguft laft. This Informant was firft made acquainted

with his Lordſhip's being ſeized, by many people at the Company's Garden-houſe between eight and nine o'clock in the evening. On receiving this intelligence, this Informant went the ſame night with Mr. Dalrymple, in Lord Pigot's chariot, to the Mount; Mr. Dalrymple ordered the coachman to drive to Major Horne's houſe, as he ſuppoſed Lord Pigot to be there; on their arrival at Major at Horne's, they ſaw Lord Pigot, Major Horne, Mr. Mallet, and this Informant thinks there were two officers beſides, ſitting at a table in the veranda of Major Horne's houſe. So ſoon as Major Horne ſaw Mr. Dalrymple and this Informant, he ſaid, Gentlemen, I have very particular directions concerning you; Mr. Dalrymple made anſwer, " Who could give you theſe directions? Major Horne, " I am ſorry to ſee you concerned in ſuch a buſineſs, we ſerved " together at Manilla in a friendly manner, and I am concerned " now that there is the appearance of our differing ſo much in our " ſentiments." Major Horne ſaid, " I was entirely ignorant of " Lord Pigot's coming out to the Mount, till his chariot ſtopped " at my door, and I was then much ſurpriſed what had brought " him out ſo late to the Mount. Upon his Lordſhip's alighting from " the chariot, I ſaw Captain Lyſaght follow him out of the chariot, " who came forward and delivered me a written order from Colonel " Stuart, to detain Lord Pigot in cuſtody. I therefore think my-" ſelf obliged to obey my commanding officer's orders." Lord Pigot then ſaid to Mr. Dalrymple, " Better not talk of theſe matters now, " better be quiet." Mr. Dalrymple and this Informant then acquainted Lord Pigot that the Fort had ſurrendered. Lord Pigot anſwered, " *I hope no body is hurt.*" They ſaid, " *None, my Lord, that we* " *have heard.*" Lord Pigot ſaid, " *I am very glad to hear it.*" After Mr. Dalrymple and this Informant had ſat about an hour, to the beſt of this Informant's remembrance, in the veranda, a letter was delivered into Major Horne's hand, which he opened, and having read it, ſaid it was from the gentlemen of the majority, who acquainted him that they had taken upon themſelves either the adminiſtration or the government (this Informant does not recollect which), and had given him directions to keep the perſon of Lord Pigot in confinement till their further orders. Some other converſation paſſed: ſoon after Mr. Dalrymple and this Informant went away.

This Informant has ſeen the order by which Lord Pigot was confined; his Lordſhip was confined by Colonel Stuart's order: it is a long order of which this Informant does not recollect the particulars. This Informant ſaw Lord Pigot the next day, who appeared

to

to him to be under great concern; Lord Pigot remained under military confinement at Major Horne's houſe, to this Informant's knowledge, till about the 13th of September, when this Informant returned to Cuddalore: Lord Pigot, for the firſt two or three days, did not ſtir further than Mr. Horne's garden, he was afterwards allowed to walk down as far as the houſe called General Lawrence's houſe, where his family lived, an officer attending him; but during the firſt part of his confinement, he was not allowed to breakfaſt, dine, or ſup out of Major Horne's houſe. This Informant knows that there was a requeſt made, but by whom he does not recollect, to let his Lordſhip live at General Lawrence's houſe with his family, but it was denied.

On the 27th of Auguſt, between the hours of 11 and 12 at night, Mr. Monckton and this Informant were ſitting in the eaſt veranda of General Lawrence's houſe at the Mount, undreſſing themſelves to go to bed, when a ſervant belonging to the houſe came running into the veranda to them, and crying out that Lord Pigot was fighting with the guard at Major Horne's houſe, who wanted to carry his Lordſhip away. Inſtantly Mr. Monckton and this Informant put on their cloaths, hurried down ſtairs and run to Major Horne's houſe. On entering the garden gate, this Informant heard Lord Pigot ſay, in a very loud voice, that he would not be carried away alive. This Informant ſaw Lord Pigot, Major Horne, Lieutenant Colonel Eidingtoun, and Mr. Dalrymple in the veranda; Mr. Monckton and this Informant advanced towards them; Major Horne, on their attempting to go into the veranda ſaid, Gentlemen, you muſt not come up here; Mr. Monckton replied, you muſt knock me down then, and jumped up into the veranda: this Informant ſtood cloſe to it. Immediately after, Lord Pigot, Major Horne, Lieutenant Colonel Eidingtoun, Mr. Dalrymple, and Mr. Monckton then came down from the veranda, and a guard of artillery men, that were on the plain before the houſe, marched into the garden and were drawn up there, and a chariot (which this Informant has heard was Mr. Benfield's), drove up to the gate. The officer who commandedt heguard was a Mr. Giſon. This Informant, and the before-mentioned perſons all advanced towards the guard. Major Horne aſked the officer, Mr. Giſon, whether he would obey orders? Mr. Giſon the officer dropt the point of his ſword. Major Horne then aſked the guard, Whether they would obey orders? They made no anſwer. Mr. Giſon, the officer of the guard, then turned round and ſaid to them, Soldiers, will not you obey orders? They made him no anſwer. Lord Pigot then aſked

Lieutenant

Lieutenant Colonel Eidingtoun, where were his orders for carrying him (Lord Pigot) away. Lieutenant Colonel Eidingtoun (to the beſt of this Informant's remembrance) ſaid he could not tell his Lordſhip. Lord Pigot then aſked Lieutenant Colonel Eidingtoun, where he was to carry him. Lieutenant Colonel Eidingtonn ſaid, he could not tell his Lordſhip. Lord Pigot then addreſſed himſelf to Major Horne, threw his arms upon him, and ſaid, " My friend, will not you " protect me from ſuch violence, you and I have fought together in " Madras, and will not you defend me now." Major Horne ſaid, " I have orders to deliver you up to Colonel Eidingtoun, and I durſt " not diſobey." Lord Pigot then ſaid, " I will not be carried away " alive." Lieutenant Colonel Eidingtoun then went on one ſide of Lord Pigot, and Major Horne on the other. They appeared, to this Informant, each of them to lay hold of his ſhoulders, as if they had been going to force Lord Pigot into the chariot. Mr. Dalrymple, Mr. Monckton, and this Informant addreſſed themſelves to the ſoldiers nearly as follows, " Soldiers, will you allow your Go- " vernor to be carried off?" Major Horne then turned round and ſaid, " Gentlemen, you muſt not talk to the ſoldiers." This Informant, and Mr. Dalrymple, and Mr. Monckton told Major Horne, that they thought it their duty to talk to the ſoldiers, and that they would. Major Horne and Lieutenant Colonel Eidingtoun then quitted Lord Pigot, and went further off on each ſide: Lord Pigot turned round to the ſoldiers, pulled off his hat to them and ſaid, " Soldiers, will you not protect your Governor from violence, I have " fought with you in Madras, and will fight with you again if my " duty calls me; do not let me be delivered up to traitors, villains " who treacherouſly ſeized me, almoſt under the guns of my own " Fort; there is that Eidingtoun, that villain, that traitor! ſtopped " me in my chaiſe (pointing at Lieutenant Colonel Eidingtoun); be- " lieve me, ſoldiers, all thoſe in the Fort are villains and traitors, I " will hang them all." Lieutenant Colonel Eidingtoun ſaid to Lord Pigot, " My Lord, I hope you would have more clemency if we were " in your power." Lord Pigot replied, " If the law would hang you, " I would hang you all." Lord Pigot continued talking to the ſoldiers, telling them, if he had committed any fault (opening the breaſt of his waiſtcoat at the ſame time), they would puniſh him by putting the bayonets into his breaſt. Lord Pigot ſaid ſeveral other things to the ſame purpoſe, but this Informant cannot recollect all his Lordſhip ſaid, at this diſtance of time. After Lord Pigot had been talking to the guards for a conſiderable time, Lieutenant Colonel Eidingtoun ſaid to Major Horne, " Can you depend upon your

 " men?"

" men?" Major Horne anſwered, " I am ſure I can, I am ſure " they will be obedient ſoldiers." Major Horne, and Lieutenant Colonel Eidingtoun then went both out of the garden upon the plain, and continued there five or ſix or ten minutes; when they returned into the garden, Major Horne thus addreſſed Lord Pigot, " My " Lord, as you expreſs ſo great reluctance to go away (or words to " that purpoſe), if you pledge me your honour that you will remain " quiet in my houſe, till an anſwer can come from the Fort, I will " pledge you mine to protect you, though I do it at the hazard of " my life." Lord Pigot gave Major Horne his honour, that he would remain quiet till an anſwer could be received from the Fort. Lieutenant Colonel Eidingtoun then ſaid, he would go to the Fort, and acquaint them (the perſons in poſſeſſion of the Government) of his Lordſhip's reluctance to go away. The guard was then diſmiſſed. Some Madeira wine was brought, whether by Major Horne's orders, or Lord Pigot's deſire, this Informant does not know, for Lord Pigot was then ſo hoarſe that one could hardly hear him ſpeak. Lord Pigot then took a glaſs of wine, and either gave, or deſired Lieutenant Colonel Eidingtoun to take another, and ſaid to him, " Colonel Eidingtoun, What I have ſaid of you or to you, my duty required of me, " but I entertain no perſonal enmity toward you;" and, this Informant thinks, ſhook hands with him. Mr. Monckton, or ſomebody preſent ſaid, " Colonel Eidingtoun, it is reported by ſome of the black " people here at the gate, that you have an order to carry Lord Pigot " to Gingee, and that Palanquin Boys are placed on the road for " that purpoſe; this gives ſo black an appearance to your inten- " tion of carrying away Lord Pigot, that if you have any orders to " the contrary, you had better produce them to exculpate yourſelf." Lieutenant Colonel Eidingtoun replied, That he had no ſuch orders, that he was to carry Lord Pigot to a very good place; but would not produce his orders, nor would he tell the place where he was to carry Lord Pigot. Mr. Monckton, Mr. Dalrymple, and alſo Mr. Ruſſel (which laſt had come into the garden juſt as the guard had been diſmiſſed), and this Informant, went up to Lord Pigot and expreſſed their uneaſineſs that he was ſo much fatigued and exhauſted; they wiſhed him good-night, and took their leave. When they went out of Major Horne's garden, they ſaw a croud of black people on the plain before Major Horne's garden, who told them that an European had come out with the chariot which drove up to the gate, and when the guard was diſmiſſed, had opened the pans of one or two piſtols that he had in his hands (this Informant does not recollect whether the black people ſaid one or two), ſhook out the powder,

and

and ſaid, "*Now, I have no occaſion for this to-night.*" About ten o'clock the morning of the 27th, this Informant's Dubaſh, by name Mycomada, acquainted him that his (this Informant's) Chubdar, who lived with a Seapoy at the Mount, had been acquainted by the Seapoy at breakfaſt, that Sir Robert Fletcher had been out to the Mount that morning about five o'clock, and had gone in his chariot to Major Horne's back door; that Major Horne had been thereupon called up, who went to the chariot, and was in converſation with Sir Robert Fletcher about a quarter of an hour; of which circumſtance this Informant acquainted Lord Pigot.

This Informant recollects, that once at Major Horne's houſe (the preciſe day he does not remember), to have ſeen the laſt paragraph of an original letter to Major Horne, from Meſſrs. George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, which, to the beſt of this Informant's remembrance, was expreſſed in theſe words; "If an "attempt ſhould be made to reſcue Lord Pigot, his life is to anſwer "for it, and this you are to acquaint him of." This Informant knows that this paragraph was communicated to his Lordſhip.

This Informant further ſaith, That Lord Pigot did apply to the Mayor's court for a writ of Habeas Corpus, which at firſt the Mayor's court voted to grant him, but the form of producing the order, or copy of the order by which his Lordſhip was confined, having been omitted to be produced to the court, that iſſuing the writ was delayed till the order, or a copy of the order, could be produced; and Mr. Sedgley, Lord Pigot's attorney, came out to the Mount to demand the ſame from Major Home; Mr. Halliburton and this Informant accompanied Mr. Sedgley to Major Horne's houſe, and Major Horne did, in their preſence, refuſe producing the order, or a copy of the order, by which he held Lord Pigot confined, to Mr. Sedgley, of which this Informant and Mr. Halliburton made affidavit before the Mayor. Afterwards the Mayor's court, upon re-conſideration of their powers to grant a writ of Habeas Corpus, voted in the negative.

An application was alſo made from Lord Pigot to Sir Edward Hughes, alſo Mr. Ruſſel, Mr. Dalrymple, and Mr. Monckton, and this Informant did write a letter to Sir Edward Hughes, to take his Lordſhip under his protection. This was done between one and two

in

in the morning of the 28th, after their return from Major Horne's houſe: but this application did not produce the deſired effect.

(Signed) RICHARD LATHOM.

Sworn the 19th of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me

(Signed) G. A. RAM, Coroner.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of Sir* Edward Hughes, *Knight, Commander in Chief of his Majeſty's Squadron in* India, *taken before me* Georgc Andrew Ram, *his Majeſty's Coroner for the ſaid Town, on an Inquiſition taken at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead, and by Adjournment at the Houſe of Mr.* George Smith *(Foreman of the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That he knew Lord Pigot in England, after his arrival from India, about the year 1764, that his Lordſhip appeared to him to enjoy perfect health. This Informant has not had very frequent intercourſe with his Lordſhip ſince his laſt arrival in India. He has had more intercourſe with his Lordſhip ſince his confinement at the Mount than before. It was ſome time in Auguſt laſt, late on a Saturday night, that this Informant heard that Lord Pigot was put under reſtraint at St. Thomas's Mount. Early the next morning (being Sunday) he ſaw Lord Pigot at the Mount under reſtraint.

This Informant had gone to the Mount to be ſatisfied where Lord Pigot was. He had free acceſs to Lord Pigot; but Major Horne (at whoſe houſe Lord Pigot was) told this Informant, that any converſation with Lord Pigot muſt be in his (Major Horne's) preſence. But after that morning this Informant converſed with Lord Pigot as he pleaſed. At the very ſame time Major Horne ſhewed this Informant an order, which he (Major Horne) gave as a reaſon for preventing this Informant from having a private converſation with his Lordſhip. This Informant believes this order was from Colonel Stuart, but he doth not recollect the purport of it.

Three

Three or four days after his Lordſhip was put under reſtraint, he applied to this Informant for the protection of his Majeſty's flag. This application was made in the morning after an attempt to remove his Lordſhip from the Mount over night. This Informant, upon this application, requeſted of the Gentlemen then in poſſeſſion of the Government, that Lord Pigot might have ſafe-conduct to the Fort, or to this Informant's ſhip, that being his Lordſhip's requeſt to this Informant. This requeſt the Gentlemen in poſſeſſion of the Government did not think proper to grant. This Informant has heard that Lord Pigot afterwards applied to the Mayor's Court for a writ of Habeas Corpus, but he cannot ſpeak of that matter from his own knowledge. This Informant remained ſome time at the Mount for the ſatisfaction of Lord Pigot and his friends: but he did not conſider this in the light of protecting Lord Pigot againſt any other attempt to carry him away. Mr. George Stratton had told this Informant, for his ſatisfaction (the evening after the aforeſaid attempt to remove Lord Pigot from the Mount), that his Lordſhip ſhould not be removed without this Informant's knowledge.

The firſt morning that this Informant was at the Mount he obſerved ſome of the Nabob's cavalry picketted between the houſe of Major Horne and the houſe where Mr. Monckton and Lord Pigot's family reſided: he believes there might be twenty. Before this Informant went to Trincomallee, Lord Pigot applied to him to procure their removal, appealing to this Informant, whether it were ſafe for him (Lord Pigot) to go out of ſight of the European guard at Major Horne's houſe, whilſt theſe horſemen remained there; or ſaying ſomething to that purpoſe. This Informant thereupon made application to the Gentlemen in poſſeſſion of the Government the day before he ſailed for Trincomallee (which was the 15th of October laſt), they ſent this Informant for anſwer, That there were only ten men intended for the convenience of carrying meſſages to and from the Mount; however, on this Informant's application, the horſemen were immediately removed. Alſo, before this Informant ſailed for Trincomallee, Lord Pigot addreſſed a letter to him, relative to Criminal Courts being held by the Gentlemen in poſſeſſion of the Government, which this Informant tranſmitted to them; and theſe Gentlemen anſwered him that they had received it.

Since this Informant's return from Trincomallee, about the 18th of January laſt, he has heard that it was moved to ſend Lord Pigot home by the Lioneſs; but this Informant does not know of any pro-

posal to the Captain of the Lionefs, or to any other perfon, to take Lord Pigot on board fhip. When this Informant failed for Trincomallee, he had no reafon to believe that the Gentlemen in poffeffion of the Government had any intention of fending Lord Pigot to England. This Informant has heard Lord Pigot's friends fay, that his Lordfhip would not fuffer himfelf to be carried away by force alive; but he never heard it from Lord Pigot.

When this Informant has vifited Lord Pigot at the Mount, he appeared to be always under reftraint, as an officer always accompanied him. In this vifit Lord Pigot never converfed with this Informant concerning his Lordfhip's fituation, and very feldom of the Gentlemen in poffeffion of the Government, fcarce ever refpecting the late difputes at this place.

The day Lord Pigot removed from the Mount to the Company's Garden-houfe, or about the 28th of April laft, this Informant was prefent at a converfation between Major Horne and Mr. Monckton, at the Garden-houfe, the purport of which, as well as this Informant recollects, was as follows: Major Horne told Mr. Monckton, that Mr. George Stratton had fignified to him the opinion of the Council, compofed of the Gentlemen in poffeffion of the Government, that Lord Pigot was ftill under his (Major Horne's) charge; that the Jemidar's guard at the gate was put under his (Major Horne's) directions, which fhould be to prevent any noife or difturbance; that he (Major Horne) fhould not remain there, but return to the Mount the next day. This Informant thinks Mr. Monckton faid, that Lord Pigot could not be told of it, and Major Horne faid it was unneceffary. The day before, or the day on which Lord Pigot died, Mr. Monckton fhewed to this Informant a paper on which he had taken down the fubftance of his converfation. The contents of the paper appeared to this Informant to be nearly the purport of the faid converfation, and he told Mr. Monckton fo.

The day before Lord Pigot's death, this Informant cannot fay whether it were the day before or two days before, Mr. George Stratton took an opportunity of defiring this Informant to communicate to Mr. Monckton, that he (Mr. George Stratton) fhould like to attend the funeral, if the event happened, as chief mourner, or in any other capacity, if he were invited; but as things were circumftanced he (Mr. George Stratton) thought it was not proper to go

 without

without an invitation. This Informant mentioned this to Mr. Monckton.

This Informant ſays, that he means by the Gentlemen in poſſeſſion of the Government there, who addreſſed him as a Board of Council, when the diſputes before mentioned aroſe, namely, Mr. George Stratton, Sir Robert Fletcher, Mr. Henry Brooke, Mr. Charles Floyer, Mr. Archdale Palmer, Mr. Francis Jourdan, and Mr George Mackay; he has had addreſſes from them ſince; they have been fewer in number, but does not remember ſeeing any other name or names in their addreſſes to him.

This Informant hath ſeen an order relative to any attempts to reſcue Lord Pigot, but he does not exactly recollect the purport of it, but he tranſmitted it home with other papers relative to the diſputes at this place.

(Signed) EDW. HUGHES.

Sworn the 21ſt day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of* Telaſinga, *Peon, taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the Town of* Madraſpatnam *aforeſaid, on an Inquiſition held at the Company's Gardenhouſe, about a Mile diſtant from* Fort St. George, *within the Diſtricts of the ſaid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the Houſe of Mr.* George Smith *(Foreman on the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant on his oath, ſaith, That he ſerved Lord Pigot when he was before Governor. He has alſo ſerved Lord Pigot from the day of his Lordſhip's laſt arrival until the day of his death.

This Informant was preſent at the Fort-gate when Lord Pigot and Colonel Stuart went into his Lordſhip's chaiſe: Lord Pigot gave this Informant his ſword and cane as uſual, with orders to follow him: this Informant had hold of the chaiſe and run along with it, near the furthermoſt bridge on the Iſland the chaiſe was ſtopped by two officers, the one was Captain Lyſaght, and, this Informant believes, the other was Mr. Sydenham; a number of ſepoys with fixed bayonets ſtopt the horſes. The officer who was to the right of the chaiſe requeſted that Lord Pigot would alight. Lord Pigot aſked him by whoſe orders he was to come down. The officer ſaid, by General Fletcher's orders. Lord Pigot making ſome difficulty, the officer ſaid, You had better come down, or elſe there will be trouble. Colonel Stuart ſaid to Lord Pigot, You had better go down and ſpeak to that officer. The officer attempted to take Lord Pigot by the wriſt, where-

whereupon Lord Pigot ſprung out of the chaiſe. Colonel Stuart alſo left the chaiſe. Then the officer that was to the left of the chaiſe came round, and they all moved a little way. Colonel Stuart halted; then the other two officers and Lord Pigot walked under ſome trees, where there was a chariot. One of the officers opened the door, from which a ſerjeant ſprung out, who went round and ſeated himſelf behind the carriage, and wrapped himſelf up in a cloak. Lord Pigot went into the chariot. This Informant was going to give Lord Pigot his ſword and cane, upon which Lord Pigot told this Informant that he might follow. Captain Lyſaght went into the chariot with Lord Pigot. This Informant obſerved that the officers had ſwords in their hands, but not drawn. Then Captain Lyſaght pulled to the door of the chariot, and the chariot drove on, and this Informant followed. There was an European poſtillion who drove the chariot. Two Muſalgee boys accompanied the chariot, who told this Informant that it was Mr. Benfield's chariot. The Muſalgees alſo told him, that the man behind the chariot had loaded piſtols, and that he was a fool to keep ſo near the carriage leſt any hurt ſhould come to him. Then this Informant quitted the hold which he had of the carriage, and followed it. About the long tank this Informant heard the firing of the eight o'clock gun about General Lawrence's houſe at the Mount. This Informant hurt his foot, and could not follow the carriage ſo cloſe as before; the carriage drove very hard, and it was with great difficulty that he kept up with it ſo long. When this Informant arrived at Major Horne's houſe he ſaw Lord Pigot and Captain Lyſaght walking in Major Horne's veranda, and he ſaw Major Horne in the hall writing. After finiſhing what he was writing Major Horne ſhewed the paper to Lord Pigot, upon which Lord Pigot delivered it to Captain Lyſaght, and requeſted him to let his daughters ſee it. This Informant obſerved a ſingle horſe-chaiſe at the gate, Captain Lyſaght got into it, and drove away. Soon after, this Informant ſaw an officer, a drummer, and ſome private men come before the gate; then Major Horne went out and returned with an officer (who, this Informant learnt, was the Adjutant) with two men, who were placed centinels within the gate before the houſe, and Major Horne pointed to Lord Pigot, and told the centinels that was Lord Pigot. (This Informant ſtood near and heard this.) Major Horne then returned into the houſe where Lord Pigot was. The centinels aſked this Informant who he was; he anſwered, that he belonged to Lord Pigot. They aſked whoſe ſword and cane this Informant had in his hands; he ſaid, Lord Pigot's. The centinels ſaid, "*Go away, you raſcal.*"

This

This Informant then went out of the garden. He kept the ſword and cane all night, and the next morning delivered them to another of Lord Pigot's Peons, and returned to Madras.

(Signed) TELASINGA.

Sworn the 21ſt day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before me,

(Signed) G. A. RAM, Coroner.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of* William Hamilton, *in the Service of the* Eaſt India Company, *tvken upon Oath, before me,* George Andrew Ram, *Coroner of our Lord the King, for the Town of* Madraſpatnam *aforeſaid, on on an Inquiſition held at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and, by Adjournment, at the Houſe of Mr.* George Smith *(Foreman of the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That he is deputy to the military Pay-maſter.

That the half batta which had been ſtruck off in the month of February 1776, was put on again at Tanjour on the 29th of Auguſt laſt, as he knows by the accounts ſigned by the Paymaſter at that place, and tranſmitted to the military Paymaſter General. This Informant has reaſon to believe that it was put on at the ſame time at the other out-garriſons, where it had been formerly paid; but thoſe accounts do not come to his office, but to the Superintendant of the Nabob's accounts.

This Informant further ſaith, on his oath, That there was a gratuity of twenty Pagodas per day, paid Major Horne at the Mount, during Lord Pigot's confinement. The vouchers which are in his office, ſpecify that it was for extraordinary expences

incurred

incurred by Major Horne, during Lord Pigot's reſidence at his houſe.

(Signed) Wm. Hamilton.

Sworn the 21ſt day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord, 1777, before me,

(Signed) G. A. Ram, Coroner.

(A true Copy.)

Wm. Sedgley, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of* William Howard, *Servant to* Claud Ruſſel, *Eſq. taken upon Oath before me* George Andrew Ram, *Coroner of our Lord the King for the ſaid Town, on an Inquiſition taken at the Company's Garden-houſe, about a Mile diſtant from* Fort St. George, *within the Diſtricts of the ſaid Town, on the View of the Body of the Right Honourable* GEORGE *Lord* PIGOT, *there lying dead; and by Adjournment, at the Houſe of Mr.* George Smith *(Foreman of the ſaid Inqueſt), in the ſaid Fort.*

THIS Informant, on his oath, ſaith, That he came to the Company's Garden-houſe, the day after Lord Pigot was removed thither, and remained there until two days after his Lordſhip's death.

The ſerjeant who was at the gate, and who had the charge of the guard all the time from the coming of this Informant to the Garden-houſe, till his Lordſhip's death, told this Informant, that the guard was under Major Horne's orders.

This Informant ſtanding at the gate, either the evening before Lord Pigot's death, or two evenings before, the Commodore's coachman then ſpeaking to him, relative to Lord Pigot's confinement; the ſerjeant who was upon guard ſaid, that the guards there were placed over Lord Pigot, and were under the orders of Major Horne, and that he (the ſerjeant) gave a written report to Major Horne, of the occurrences at the Garden-houſe in the courſe of the day. This Informant does not know the ſerjeant's name.

The morning that Lord Pigot died, the ſerjeant came into the room where this Informant was, and aſked for Mr. Nutting, his

Lordſhip's ſervant; this Informant told him, that Mr. Nutting was attending his Lordſhip. The ſerjeant ſaid, he was come to acquaint Mr. Nutting, that his Lordſhip was releaſed, and that he was going to town; and in caſe of his Lordſhip's death, the Sepoys were to take no charge of his Lordſhip's effects. About an hour after this, Lord Pigot died. This Informant did not mention this converſation to Mr. Nutting, or to any other perſon, till after his Lordſhip's death; and he further declares, that while Lord Pigot lived, this Informant obſerved, that about dark, additional guards were placed about the Garden-houſe, in ſtations where there were none during the day.

(Signed) Wm. Howard.

Sworn the 31ſt day of May, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord, 1777, before me,

(Signed) G. A. Ram, Coroner.

(A true Copy.)

Wm. Sedgley, Clerk of Peace.

The CORONER's Charge to the Jury.

Gentlemen of the Jury.

YOU have now heard all the evidence which I ſhould think could be neceſſary, to enable you to form a judgment in the preſent caſe; as the evidence has been long, and one of the Jury has obſerved, that he never ſerved on an Inqueſt before, perhaps it may not be amiſs in me to take notice of ſome particulars in the evidence, and to propoſe ſuch previous queſtions for your determination, as in my opinion, may facilitate the finding of your verdict.

The firſt queſtion I would propoſe to your conſideration is, Whether or not Lord Pigot died in confinement?

The evidence on this head appears to be as follows: That Lord Pigot was under confinement at the Mount; that at his removal from thence to the Company's Garden-houſe, there was no appearance of a military guard; that after the arrival of Lord Pigot at the Garden-houſe, Mr. Stratton ſhould ſay to Mr. Paſley, that his Council had under conſideration, the committing Lord Pigot to a military guard; that on the evening of the day on which Lord Pigot arrived at the Garden-houſe (viz. the 28th of April), Major Horne (under whoſe charge Lord Pigot was whilſt at the Mount) ſhould tell Mr. Monckton, ſon-in-law to the deceaſed, that he (Major Horne) had like to have been ſeverely cenſured; for not guarding Lord Pigot on the road from the Mount to the Company's Garden-houſe, and that from thenceforward Lord Pigot was to be conſidered as under his (Major Horne's) cuſtody. It likewiſe appears from the evidence, that Mr. Sydenham the Town Major, did put the Sepoys, before ſtationed at the Company's Garden-houſe, under the orders of Major Horne; and that ſoon afterwards, a ſerjeant was ſtationed at the Garden-houſe, to make daily reports to Major Horne: that Lord Pigot continued at the Company's Garden-houſe from the 28th of April, till the 11th of May; that on the

Monckton, Stone, Ruſſel, Lathom, Sir Edward Hughes, Nutting, Davis, Paſley.

M.

M.

R.

R.

R.

M.

S.

S. morning of the 11th of May, the day on which Lord Pigot died,
R. Mr. Stone heard from the said serjeant, and Mr. Russel from his European servant, that Major Horne had been at the Company's gardens the night preceding, about eight o'clock, and had told the serjeant, that he was no longer to consider Lord Pigot under con-
R. finement, or to take charge of his body or effects. Mr. Russel observes, that Lord Pigot's friends could not consider what the serjeant had said to Mr. Stone, as an official information. Indeed I cannot help here observing to you, Gentlemen, that when Lord Pigot was
Proclamation. seized and confined, his seizure and confinement was proclaimed to the whole Settlement, and notice of it sent to all parts of India; but when he is to be released, the removal of his guards is told to a ser-
M. R. jeant only. To proceed with the evidence, we learn from Messrs. Monckton and Russel, that Lord Pigot's life had been for some days despaired of; Mr. Stone says, that he did not expect to find Lord Pigot alive, when he went on the morning of the 11th, to the Gar-
P. den-house. It also appears, from the evidence of Mr. Pasley, that he had acquainted Mr. Stratton with the dangerous situation Lord Pigot was in, some days before his death. It appears from the evi-
Sir E. H. dence of Sir Edward Hughes, that Mr. Stratton was so far convinced of his Lordship's approaching dissolution, that he proposed, through Sir Edward Hughes, to be chief mourner at the funeral; this conversation between Sir Edward Hughes and Mr. Stratton, passed a
M. day or two before his Lordship's death. I also beg leave to observe,
R. N. that an expectation of his Lordship's death is tacitly implied in the order, said to be given to the seajeant, viz. that he should not take charge of Lord's Pigot's body or goods.

M. We also learn from Mr. Monckton, that after his Lordship's decease, about eleven o'clock in the forenoon of the 11th instant, he wrote a letter to Major Horne, to demand the body of Lord Pigot; in answer to which, Major Horne acquaints him, that the guard was taken off Lord Pigot the night before, and that this was the first official information Lord Pigot's son-in-law received of this matter. The original letter from Major Horne, Gentlemen, was produced to you.

Now, Gentlemen, all these circumstances considered, you will judge whether Lord Pigot can or cannot be considered as one who died under confinement; when the first official notice received by his friends of his release, was not till after his death, and when his life had for some days been despaired of by the surgeons.

For

For my own part, Gentlemen, I will obſerve to you, that in my opinion, no man can be ſaid to be releaſed from confinement, till he or his friends have official notice of his releaſe; whether what the ſerjeant ſaid to Mr. Stone was or was not ſuch official notice, I leave to your determination.

On the whole, if you find that Lord Pigot did not die in confinement, a doubt may ariſe, as to the neceſſity of holding this Inqueſt, on which I will (in that caſe) give you my opinion.

If you find that Lord Pigot did die under confinement, you will next proceed to your verdict, on which I have much to obſerve to you; but firſt, I muſt premiſe, that in the following charge, I have not taken notice of the diſtinction, a general and ſpecial verdict; becauſe this will make no difference in the Inqueſt, which muſt be atteſted by the Jurors, as well as by the Coroner; the reaſon why it will not, I ſhall give, after pointing out in what the diſtinction conſiſts.

The diſtinction between a general and ſpecial verdict appears to me to be as follows: When a man is indicted for any crime or offence, as for murder, for manſlaughter, for a robbery, &c. the Jury may either find their verdict general, guilty or not guilty (that is, of the offence laid in the indictment), or they may find a ſpecial verdict, ſetting forth all the circumſtances of the fact, and leave it to the Court to determine, what offence all the circumſtances of the fact, as found by them, is in the eye of the law; whereby they (the Jurors) avoid judging of points of law. Now, the Jury on an Inqueſt, who are ſworn to enquire, when, where, and after what manner the deceaſed came to his death, muſt of courſe ſpecify the circumſtances which cauſed the death, which muſt be entered on the Inqueſt.

And as an Inqueſt in this reſpect, reſembles a ſpecial verdict, ſo the Coroner being under an indiſpenſible neceſſity in his Inqueſt, to keep to and obſerve all thoſe words of art, which the law hath appropriated to the deſcription of an offence; for no paraphraſes or circumlocution will ſupply the want of them, let all the circumſtances be never ſo exactly ſet forth, the verdict of his Inqueſt will in that reſpect, reſemble a general verdict; and as I before obſerved, the Inqueſt muſt be atteſted as well by the Jurors as by the Coroner.

I now proceed to the next queſtion.

II.

The next queſtion, Gentlemen, may either determine your verdict, or ſerve to facilitate the finding of it; and here, Gentlemen, I beg leave to obſerve to you, that your verdict muſt be poſitive, and not by way of relation, inference, or opinion; for if it is not poſitive, it is no judgment, and I cannot receive it as a verdict. The queſtion I propoſe to your conſideration is, Whether Lord Pigot's death were or were not a conſequence of his confinement? or, in other words, Whether Lord Pigot's confinement were or were not the cauſe of his death?

M. R. N. Mallet. S. E. H. Lathom.

The evidence on this queſtion, appears to be as follows: and firſt, the evidence read to the ſurgeons for their information, as to matter of fact.

By this, it appears, that Lord Pigot was ſeized and confined on the 24th of Auguſt laſt; that for ſome time his Lordſhip's confinement was more ſtrict; that afterwards Major Horne (at whoſe houſe Lord Pigot was confined) relaxed ſomewhat of the ſtrictneſs of it.

M. R. N. L. M. N. M. R. S. S.

That on the night of the 27th of Auguſt laſt, an attempt was made by Lieutenant-colonel Eidingtoun (Adjutant-general) and Major Horne, to remove Lord Pigot from the Mount, which threw his Lordſhip into violent agitation, and he exerted himſelf very much in ſpeaking to the ſoldiers under Major Horne's command, ſo as to be heard at a great diſtance. My Lord's ſervant ſays, that he heard his Lordſhip's voice at a houſe called General Lawrence's, which the evidences fix at about a quarter of a mile diſtant from Major Horne's houſe. That this exertion rendered Lord Pigot exceeding hoarſe, which hoarſeneſs did not go off for ſome time after.

R. M. L.

It appears, that after this attempt, Lord Pigot applied to Sir Edward Hughes, for the protection of his Majeſty's flag; how far he obtained it is related by Sir Edward Hughes.

Records of the Court. L.

That afterwards Lord Pigot applied to the Honourable Mayor's Court, for a writ of Habeas Corpus, which his Lordſhip had at firſt ſome reaſon to expect he ſhould obtain, but was afterwards diſappointed;

appointed; the Court not thinking they had power to grant ſuch a writ.

It alſo appears, from the evidence, that there was an order given to Major Horne, in which were the following remarkable words: "As the laſt reſource in caſe of an attempt to reſcue Lord Pigot, his "life muſt anſwer it, and this you will ſignify to him." It does not appear that this order was ever withdrawn, but rather the contrary.

M. R. L. S. R. L.

It alſo appears, from the evidence, that, in October laſt, Lord Pigot had intimation of a letter having been written to Bengal, for the concurrence of the Governor-general and ſupreme Council, to ſend Lord Pigot to Europe. That on the arrival of the Lioneſs Indiaman, the beginning of January, his Lordſhip had intimation that the people then in power were debating upon ſending his Lordſhip home.

R. S. M.

That Mr. Larkins, Captain of the Lioneſs, informed Lord Pigot that he had been applied to by one of the then Council, to take his Lordſhip on board his ſhip, who had ſaid to him, "if you will not, "your chief mate will." That Lord Pigot was ſo much alarmed on this occaſion that he would not ſtir from Major Horne's houſe (as before he uſually did), telling Major Horne that he had been kidnapped once, but would take care not to be kidnapped again, and aſſuring Major Horne, and ſeveral others, that he would not be removed alive. Mr. Ruſſel informs us that he ſecretly provided his Lordſhip with the means of making reſiſtance, which (it alſo appears by the ſame witneſs) Lord Pigot kept ready by him till his removal to the Company's Garden-houſe for the benefit of his health. His Lordſhip's ſentiments on this matter are ſet forth in the letter from Major Horne to Mr. Stratton, a copy of which you ſaw, Gentlemen, in Lord Pigot's hand-writing, ſetting forth that Lord Pigot had told him (Major Horne) that "he (Lord Pigot) "was informed that ſeizing him and ſending him on board ſome ſhip "was under conſideration; that he underſtood there were different "opinions, however, reſolved on; he was determined not to be car-"carried alive; he ſaid, if the Eaſt India Company or the King's "miniſter diſapproved of his conduct, let them ſend him his diſ-"miſſion, and he would return to England, and face any charge "they had againſt him there; but as both ſides had wrote to Eng-

S. R. M. R. M. R. Davis. Ruſſel.

" land, he could not leave the country until directions arrived in " conſequence of thoſe diſpatches."

M. R. S.

It alſo appears that ſeveral inhabitants of the ſettlement, ſenſible of the danger to which his Lordſhip was expoſed, addreſſed a remonſtrance to the people in power againſt ſending Lord Pigot home.

R. S. Haliburton. S. R. S. Paſley.

That about the 20th of January laſt Lord Pigot ſaw copies of the letters to Bengal on this ſubject, and the anſwer from the ſupreme Council, encouraging the people in power here to ſend his Lordſhip home, if they thought it would be attended with good conſequences. It alſo appears that this alarm was kept up in his Lordſhip's mind, by his Lordſhip's receiving intelligence from Mr. Paſley that he would ſoon receive an official letter to aſſure him that the intention of ſending him home was laid aſide; a draft of ſuch a letter was ſhewn to his Lordſhip, with the remarks of ſeveral perſons upon it, diſapproving of it; copy of which, Gentlemen, you alſo ſaw in his Lordſhip's hand-writing. And Mr. Stone informs us, that Lord Pigot uſed to take copies himſelf of any paper containing information which he received privately, and deſtroy the papers themſelves, to prevent any diſcovery of the perſons from whom he got his information.

S.

Soon after, inſtead of this intended letter, another was ſent to Major Horne to ſhew his Lordſhip, which implied only that the people in power would not ſend him home by the ſhip then under diſpatch.

R. S.

His Lordſhip's reſentment, upon being ſhewn this letter, is evident from a remark of his, which you alſo ſaw, gentlemen, in his own hand-writing. This letter was dated the 20th of January.

R. S.

Mr. Sedgley bears teſtimony that a knowledge of this intention greatly agitated Lord Pigot, and Mr. Haliburton, that Lord Pigot conſidered this letter from Bengal as the higheſt inſult and indignity. However, neither Mr. Monckton nor my Lord's ſervant obſerved that this letter had any apparent effect on Lord Pigot's health or ſpirits, which Mr. Monckton attributes to Lord Pigot's great reſerve. But Mr. Ruſſel ſays, notwithſtanding his reſerve, Lord Pigot gave him reaſon to think that he was much hurt, particularly by the letter of the 21ſt of January. And Mr. Stone ſays, that it was

Sedgley. Haliburton. M. N. R. S.

was apparent to himſelf, and his whole family, that Lord Pigot never after recovered thoſe ſpirits which he appeared to have before. It alſo appears that Lord Pigot's ſickneſs was apparent on the 5th or 6th of March laſt. Mr. Ruſſel ſays, that upon comparing circumſtances, it was apparent to them (Lord Pigot's friends) that for eight, nine, or ten days before, Lord Pigot had not been ſo well as uſual. Mr. Paſley ſays, he cannot determine how long his Lordſhip's diſorder had taken place in his conſtitution before (it was apparent), but that all diſorders of a ſimilar kind with his Lordſhip's, have their cauſes exiſting in the conſtitution long before they appear. Mallet. R. P.

It further appears, from the evidence, that his Lordſhip's diſorder increaſed to a dangerous height, that, however, he grew better towards the latter end of March. M. P. R. Mallet.

The beginning of April he was attacked with a return of his diſorder, and grew daily weaker till the 28th of April, when he was removed, in conſequence of the recommendation of Mr. Paſley, to the Company's Garden-houſe for the benefit of the air; that on the 11th of May his Lordſhip died. R. P.

All the witneſſes bear teſtimony to Lord Pigot's good health both in England and here, previous to his confinement at the Mount, as far as has come to their knowledge; they alſo mention that Lord Pigot took frequent exerciſe, particularly walking and riding in an open chaiſe, before his confinement. M. R. S. S. P. Anderſon. N.

Meſſrs. Monckton, Stone, and Ruſſel, repreſent that Lord Pigot never went out but once in a carriage after his confinement, and repreſent his exerciſe in general to have been much leſs after his confinement than before. Lord Pigot's ſervant mentions, that his Lordſhip never went out but once in a chaiſe after his confinement, and gives a reaſon to believe that the guard who attended Lord Pigot had orders to prevent his Lordſhip, had he attempted to get into a carriage. Lord Pigot's ſervant ſays, that he thinks the exerciſe which his Lordſhip took after his confinement, might be altogether as much as he took before, but obſerves that it was confined to one place; with regard to Lord Pigot's health in his confinement, it does not appear that any notice was taken of an abatement of it till ſhortly before Mr. Paſley was ſent for. M. R. S. N.

M. S. R. P. Meſſrs. Monckton, Stone, Ruſſel, and Paſley, bear teſtimony, that Lord Pigot was uncommonly reſerved, eſpecially in every thing which regarded himſelf.

Meſſrs. Monckton and Ruſſel both affirm that Lord Pigot had great ſenſibility in his diſpoſition, and that he was exceedingly temperate in his diet. The evidence depoſe that the age of Lord Pigot, when he died, was fifty-eight years.

I now, Gentlemen, proceed to the evidence of the ſurgeons, relative to this queſtion, and here beg leave to obſerve, that I ſhould think it would be more ſafe for the Jury, on this queſtion, to go upon the opinions of the ſurgeons, in relation to the particular diſorder of which Lord Pigot died, rather than on any application which the Jury themſelves may make from the general opinions of the ſurgeons to the particular caſe of Lord Pigot; though the anſwers of the ſurgeons, to the general queſtions put to them, may ſerve to corroborate this evidence, on the particular caſe of Lord Pigot, if they are found to correſpond therewith; however, on this matter, every man will judge for himſelf.

Paſley. Gentlemen, the evidence of the ſurgeons is to the following purport: and firſt, Mr. Paſley, in anſwer to the general queſtions, gives it as his opinion, that the paſſions, and all the circumſtances which affect the mind, will of courſe ſo affect the body as to produce diſorders. But he obſerves, that advanced life has generally more firmneſs and fortitude, and leſs ſenſibility of nerves, and is therefore more able to ſupport the injuries which ariſe from a change of ſituation, and other misfortunes. As to what more particularly relates to Lord Pigot, Mr. Paſley informs us that Lord Pigot died of a putrid bilious fever, originated in a diſordered liver; that diſorders of this kind are occaſioned from a great variety of cauſes, as intemperance, impaired digeſtion, paſſions of the mind, indolence, and want of exerciſe.

Mr. Paſley (as well as Lord Pigot's ſervant, and his moſt intimate acquaintance Meſſrs. Ruſſel, Stone, and Monckton) bear teſtimony of his Lordſhip's good conſtitution, and the great ſhare of health he enjoyed before his confinement.

Alſo in anſwer to the queſtion, whether his Lordſhip's general good health was not a proof that the exerciſe which he uſually took agreed

agreed with his conſtitution, and was of great conſequence in preſerving his health? Mr. Paſley anſwers, that he does think it was. After this Mr. Paſley obſerves, that all involuntary reſtraint, accompanied with uneaſineſs of mind, are productive of diſorders, and no doubt, in many reſpects, contributed to lay the foundation of his Lordſhip's diſorder. On the other hand, Mr. Paſley obſerves, that Lord Pigot's illneſs was a diſorder peculiar to this country, and that men in all ſituations are ſubject to diſorders of the ſame kind. He concludes his anſwer to this queſtion, which is the twelfth, by ſaying, that uneaſineſs of mind, and diminution of exerciſe, never fail to produce bilious diſorders, of which his Lordſhip died.

I beg leave to obſerve to you, that from the latter part of Mr. Paſley's anſwer to the thirteenth queſtion (the former part hath been already taken notice of), it clearly appears that Mr. Paſley conſidered the ſecond illneſs of Lord Pigot as a return of the firſt, rather than a freſh diſorder; he alſo intimates, that Lord Pigot was not ſo willing to take his advice, to prevent a return of his diſorder, as might have been expected.

Upon this part of the evidence, I muſt beg leave to quote a paſſage from Serjeant Hawkins, as follows: Book I. chap. xxxi. ſect. 10. "If a perſon, hurt by another, died thereof within a year "and day, it is no excuſe for the other, that he might have re-"covered if he had not neglected to take care of himſelf."

Mr. Paſley, in anſwer to another queſtion, obſerves, in general, that the feelings of injuries, and the effects they have upon the conſtitution, muſt always be in proportion to the character, the dignity, and proſpects of the perſon who experienced the injury.

The anſwer to the ſixteenth queſtion, whether the exertion apparent in Lord Pigot, in the attempt to remove him from the Mount on the night of the 27th, might or might not lay the foundation of his Lordſhip's diſorder? Mr. Paſley obſerves, that the more uſual effects of paſſion, and violent exertions, are to produce immediate diſorders.

In anſwer to the ſeventeenth queſtion, whether Lord Pigot's knowledge of an intention to tranſport him to Europe might not occaſion his Lordſhip's diſorder? Mr. Paſley tells us, he cannot ſay that that in particular did, but that that and other diſtreſſes, during

his Lordſhip's confinement, have contributed to lay the foundation of the diſorder of which his Lordſhip died.

The anſwer to the nineteenth queſtion, how long the diſorder might have lain dormant on his Lordſhip's conſtitution? Mr. Paſley ſays, that all diſorders of the mind have their cauſes exiſting in the conſtitution long before they appear; of this I have before taken notice.

In anſwer to the twenty-third queſtion, whether it be not probable and likely, from his Lordſhip's ſtate of health before his confinement, that he might have lived longer, had it not been for the confinement of his perſon, and the treatment he met with in that confinement? Mr. Paſley ſays, that he has already obſerved that hi- Lordſhip's ſituation, and the circumſtances that attended it, had cons tributed to lay the foundation of the diſorder of which his Lordſhip died, but that he cannot ſay whether in any ſituation his Lordſhip might not have been attacked with diſorders.

Mr. Paſley's anſwer to a general queſtion, on his Lordſhip's diſorder, is as follows: "After what I have ſaid on the ſubject (the "cauſe of his Lordſhip's diſorder), I have only obſerve, that during "the cold months, when his Lordſhip ſeemed to be in perfect health, "the weather counteracted the effects of his confinement, and other "circumſtances that might contribute to form a diſeaſe; but the "heat of the ſun in the ſpring, by increaſing a redundance of bile, "and giving it a tendency to putrefaction, brought on more ſpeedily "his Lordſhip's illneſs."

So far Mr. Paſley upon this point; and we further learn from him, that he continually attended Lord Pigot the firſt part of his illneſs, whilſt any danger remained, and that, during the latter part of his illneſs, Mr. Paſley ſtaid in the houſe with his Lordſhip. I alſo found Mr. Paſley in the houſe after his Lordſhip's deceaſe.

It may not be amiſs here to obſerve that Mr. Paſley has practiſed upwards of twenty years in this country, ſixteen years of which he has been one of the principal ſurgeons of the eſtabliſhment.

Anderſon. The evidence of Mr. Anderſon is as follows: The purport of his anſwers to the general queſtions put to him is, that the paſſions and affections of the mind may ſometimes have an effect on the conſtitu-

 tions

tions of ſuch perſons as are not ſo much of philoſophers as to have conquered their paſſions and affections, but thoſe affections are frequently produced from the diſeaſes of the body.

He thinks that the paſſions make leſs impreſſions on perſons in advanced life, as they have more reaſon and reflection, and have had time for more obſervation of mankind and themſelves.

He ſays, there is no ſort of doubt but great alterations, in reſpect to exerciſe and manner of life, are attended with much riſk.

As to his particular knowledge of Lord Pigot's diſeaſe, he acquaints us, that Lord Pigot's diſeaſe was a bilious and putrid complaint, that he thought that Lord Pigot's liver was enlarged, which he could more eaſily judge of from Lord Pigot's being much emaciated. That he viſited Lord Pigot but twice during his ſickneſs at the Mount: that in one of thoſe viſits Lord Pigot acquainted him, that he (Lord Pigot) dated his illneſs from having caught cold by drinking punch after having heated himſelf in Mr. Monckton's garden, but Mr. Anderſon cannot ſay whether this converſation related to the firſt or ſecond time that Lord Pigot was taken ill.

Mr. Anderſon bears teſtimony to the general good health of Lord Pigot, and tells us, that Lord Pigot informed him that, whenever he found himſelf a little out of order, his remedy was abſtinence, and that he never uſed to apply to the ſurgeons for medicines. This alſo is confirmed by Meſſrs. Ruſſel, Monckton, Stone, and Paſley. In anſwer to the queſtion, whether his Lordſhip's general good health be not a proof that the exerciſe which he took, before his confinement, agreed with his conſtitution, and was of great conſequence in preſerving his health? Mr. Anderſon ſays, that no doubt it muſt have contributed to preſerve not only his health, but his ſtrength.

I next proceed to the evidence of Mr. Davis. Mr. Davis obſerves, that having never attended Lord Pigot, nor been conſulted (by the ſurgeons who attended him) on the diſeaſe of which his Lordſhip died, he cannot ſay what the diſeaſe was, nor any thing certain regarding it. In anſwer to a general queſtion, whether a deep ſenſe of injury and affront (if often repeated, and long continued) do not prey upon the mind, and occaſion obſtinate diſorders? he ſays, that, in his opinion, it does, and that it may ſo affect the conſtitution as to produce dangerous diſorders. Davis.

That

That it is dangerous to tamper with the human paſſions, for from the paſſions of the mind the human body may be ſo affected as to produce the moſt violent diſorders; the anſwer to the queſtion, whether the effects of the paſſions be more eaſily produced on perſons in advanced life? he ſays, he is of opinion that they are.

He bears teſtimony to the general good health of Lord Pigot, and ſays, we may judge of the benefit which the exerciſe he took (before his confinement) was to him from the good health he enjoyed.

He is of opinion, that anxiety and a peculiar ſtrong agitation of mind, from many cauſes, may not only fix diſeaſe and increaſe it, but even render it mortal.

He ſays, that had the circumſtances happened to him, which happened to Lord Pigot, they would have ſo irritated the paſſions of his mind as to produce diſagreeable effects on his conſtitution.

He is of opinion, that all the anxieties and vexations that happened to Lord Pigot, during his confinement, might ſerve to injure his Lordſhip's conſtitution.

Mallet. Mr. Mallet having acted under the directions of Mr. Paſley, during Lord Pigot's illneſs, his evidence is chiefly to matter of fact, and therefore not neceſſary to be taken notice of here.

Such parts of the evidence of Mr. Lathom, Sir Edward Hughes, and Mr. Paſley, as corroborate the evidence read to the ſurgeons I have occaſionally referred to, though their evidence was not taken till afterwards.

In ſtating the above evidence, the Jury will obſerve, that I have purpoſely confined myſelf to what regards the preſent queſtion; ſuch part of the evidence as have a relation to the queſtions that may hereafter be put, ſhall be taken notice of when thoſe queſtions are propoſed. I muſt further obſerve, that the Jury will do well to conſider the whole evidence of the ſurgeons, which I have but imperfectly abſtracted, and in particular that of Mr. Paſley, who appears to have been moſt acquainted with Lord Pigot's illneſs. Now, Gentlemen, upon this evidence, you will determine whether Lord Pigot's confinement were or were not the cauſe of his death.

If

If you find that Lord Pigot's confinement, and treatment he met with in that confinement, were not the cause of his death, your verdict will of course be, that Lord Pigot died by the visitation of God in the course of nature.

If you find that Lord Pigot's confinement, and treatment in that confinement, were the cause of his death, I have other questions to propose which, in my opinion, will facilitate the finding of your final verdict; why, and for what reason this last finding verdict, I shall discuss, if there be occasion to come to the next question.

One thing more I have to observe, that, in my opinion, none of the witnesses have given a satisfactory account of Lord Pigot's temper, any further than his great reserve, which might arise from a delicacy in those nearly connected with his Lordship. I therefore, Gentlemen, think that there is no impropriety in mentioning what has occurred to me on this subject; and you, Gentlemen, who have been personally acquainted with Lord Pigot, will be able to judge whether my observation on Lord Pigot's temper be just or not. Now, Gentlemen, Lord Pigot always appeared to me to have been naturally a man of what is called a hasty temper, but who had so far got the better of this natural disposition, that he could command it when there was occasion: my reasons for thinking so, are, that I have sometimes observed Lord Pigot to appear angry upon trivial occasions; but when his Lordship has had great cause of vexation, I never could observe any appearance of anger in his Lordship, which I always attributed to the command he had obtained over his natural disposition.

III.

Gentlemen, In case that your determination on the second question should be, That Lord Pigot's confinement was the cause of his death, I propose to explain to you, why and for what reason this finding is no verdict, and cannot be received by me as such; and do not doubt of giving yon entire satisfaction on this head.

And first, Gentlemen, I must observe to you that your verdict, like the verdict of other Juries, must contain such a decision in law, as will either totally acquit and absolve, or lay some offence to the charge of others. Now, Gentlemen, the finding that a person died in consequence of a confinement, without finding that he suffered a

more rigorous treatment in that confinement, than others in ſimilar circumſtances undergo, or without entering into the legality or illegality of his confinement; ſuch a finding neither acquits nor accuſes any one: it implies no breach of the laws of your country, nor does it anſwer the intent of the law in ordering Inqueſts on perſons dying in confinement, the intent whereof it is to certify, whether the death of the perſon, who died in confinement, were or were not occaſioned by a more rigorous treatment than perſons in ſimilar circumſtances undergo; or rather, to certify whether the priſoner have or have not ſuffered greater hardſhips in his confinement, than the law has authorized for the benefit of ſociety.

Perſons die daily under confinement, and no doubt their confinement is frequently the cauſe of their death; yet if no extraordinary rigours have been exerciſed upon them, the law does not conſider their death as out of the courſe of nature, provided their confinement is legal.

For inſtance, a debtor in a gaol is deprived of his exerciſe; he has, perhaps beſides, the anxiety of reflecting that his family, on account of his confinement, are deprived of the benefit of his labour, and theſe circumſtances ſo operate on his conſtitution as to occaſion his death; yet, Gentlemen, you muſt all be ſenſible that the law, conſidering his confinement as legal, does not account his death violent, or out of the courſe of nature, nor is any one called to anſwer for it, provided no unneceſſary hardſhips were put upon him.

And this conſideration naturally leads to the next queſtion. Having, as I hope, convinced you, Gentlemen, that your finding that Lord Pigot's confinement cauſed his death, cannot be your final verdict, and in that caſe, the next queſtion I have to propoſe to your conſideration is,

Whether Lord Pigot's death were or were not occaſioned by a more rigorous treatment, during his confinement, than perſons of his Lordſhip's rank and condition uſually experience?

The ſubſtance of the evidence, with regard to the treatment of Lord Pigot during his confinement, is as follows.

R. That his Lordſhip's confinement was at firſt more ſtrict than
S. E. H. afterwards; that the firſt day after his confinement he was denied

the privilege of ſpeaking in private with his friends, but it does not appear that this was denied him at any time afterwards, but rather the contrary; that in a little time Major Horne allowed his Lordſhip to walk to the houſe called General Lawrence's houſe, where his family and Mr. Monckton's reſided, about a quarter of a mile diſtant from Major Horne's, and in the gardens of that houſe; that his Lordſhip could alſo walk to the other houſes at the Mount, and about the environs, but always accompanied by an officer and one or two artillery men; that his Lordſhip did not, during the firſt part of his confinement, come ſo often to the houſe called General Lawrence's, as he did in the latter part, which might in ſome degree be attributed to his apprehenſions from ſome of the Nabob's horſe, ſtationed during the firſt part of his confinement near Major Horne's houſe.

S. R. M. M. R. S. N. D. R.

The accommodations which Lord Pigot had at Major Horne's houſe, were one room to himſelf, which Mr. Monckton ſays was the beſt room in the houſe; that after he fell ſick he had alſo a cloſet or paſſage adjoining for the uſe of his ſervants, that he had the uſe of the hall and veranda in common with the family.

M. R. S. P.

It would be ſuperfluous in me to be more particular on this head, ſince, Gentlemen, all, or the greater part of this Jury, have frequently ſeen Lord Pigot during his confinement, and the manner in which he was treated in their preſence.

If, upon the foregoing evidence, or from your own knowledge, you find that Lord Pigot's death was occaſioned by a more rigorous treatment than priſoners of his Lordſhip's rank and condition uſually experience, your verdict muſt, in that caſe, be wilful murder againſt the perſons who had charge of Lord Pigot's perſon, who treated him with thoſe rigours during his confinement: "For if a priſoner by "dureſs of the gaoler come to an untimely death, it is murder in the "gaoler, and the law implies malice by reaſon of the cruelty."

Burn's Juſtice, Page 411. 426.

It will alſo be neceſſary, Gentlemen, that you ſpecify the particulars of the ill treatment, for they muſt be entered on the Inqueſt as part of the verdict.

And in this caſe, the Jury will next conſider, who are the perſons who, having Lord Pigot's perſon in their cuſtody, put thoſe hardſhips upon him.

 If

If you find that Lord Pigot's death was not occaſioned by a more rigorous treatment than perſons of his rank and condition uſually experience, you will bring in your verdict, that Lord Pigot died by the viſitation of God, and in the courſe of nature; unleſs you will take upon you to enquire of the legality or illegality of Lord Pigot's confinement.

And here, Gentlemen, I would adviſe you not to be too haſty in declining ſuch an enquiry, but to conſider maturely, whether it be or be not your duty and province to enquire of this matter; for, Gentlemen, ſhould it hereafter appear that Lord Pigot's death was occaſioned by an illegal confinement, and that it was your duty to enquire into the legality or illegality of the confinement, you will no doubt be highly cenſured for declining ſuch an enquiry.

I have further to obſerve to you on this head, that Sir Edward Hughes, Commander in Chief of his majeſty's ſquadron in India, has informed us, that he did not take upon him to judge of this matter.

And alſo, it is well known to ſuch of the members of this Jury as are Aldermen of the Mayor's Court, and perhaps to others, that the Court of Judicature at Bengal have not taken upon them to determine upon this point, foreſeeing that a determination of theirs might poſſibly be attended with dangerous conſequences.

Whether theſe authorities, eſpecially the latter, ought to have any weight with this Jury, I leave entirely to their conſideration, obſerving that, in my opinion, the queſtion of the legality or illegality of Lord Pigot's confinement, may be diſcuſſed without taking into conſideration the legality or illegality of the preſent Government, which, in my opinion, is a matter quite foreign to the preſent enquiry, and which the Jury have nothing to do with.

I ſhall add a queſtion which may probably evince the neceſſity of the Jury's conſidering, whether it be or be not their duty and province to determine of the legality or illegality of Lord Pigot's confinement.

Burn's Juſtice, Page 427. Vol. ii. Sect. 11.

" If a man, by harſh and unkind uſage, put another into ſuch a " paſſion of grief or fear, that the party either die ſuddenly, or con- " tract ſome diſeaſe whereof he dies, though this may be murder or " manſlaughter in the ſight of God, yet in a human judicature it

" cannot

"cannot come under felony, becauſe no external act of violence was "offered, whereof the law can take notice." *(Hale's Hiſtory of the Pleas of the Crown, Page* 429.)

Now, Gentlemen, it is evident to me, that a legal confinement is not ſuch an external act as Sir Mathew Hale ſpeaks of, though it is poſſible an illegal confinement may; of which you will conſider, if you find that it be your duty to enquire into the legality or illegality of Lord Pigot's confinement.

It therefore, Gentlemen, remains with you to determine, whether you be or be not authoriſed to enquire of this matter. If you find that you are not, I muſt obſerve to you that it can, on no account whatſoever, be preſumed that Lord Pigot's confinement was illegal, and therefore, in that caſe, your verdict muſt be, that Lord Pigot died by the viſitation of God, and in the courſe of nature.

And here, Gentlemen, I beg leave to obſerve to you, that this finding will not preclude a future enquiry into the cauſe of Lord Pigot's death, by perſons who ſhall hereafter be authoriſed to enquire of the legality or illegality of Lord Pigot's confinement.

And alſo that your opinion, if you do find that Lord Pigot's confinement was the cauſe of his death, will be known to the world by being entered on the minutes of this Inqueſt, in anſwer to the ſecond queſtion propoſed by me for your conſideration.

If you find that it is your duty to enquire into the legality or illegality of Lord Pigot's confinement, I will proceed to ſtate the evidence on this head, after obſerving to you what, in my opinion, may render a confinement illegal.

Upon reflection, it occurs to me that the queſtion may be ſtated in a different manner, which perhaps may ſet it in a new light,

Whether the Jury (who are ſworn to enquire of the death of Lord Pigot deceaſed under confinement) are in duty bound to enquire, If Lord Pigot's death was occaſioned by a more rigorous treatment in his confinement than priſoners of his rank and condition uſually experience, and no more.

Or,

Or, whether it be the duty of the Jury to enquire of the legality or illegality of Lord Pigot's confinement, as well as other circumſtances relative thereto.

IV.

Gentlemen, I now proceed to ſtate the evidence, touching the legality or illegality of Lord Pigot's confinement; in caſe you find that it is your duty to enquire of this matter.

And firſt, Gentlemen, I will obſerve to you, that in my opinion a confinement may be illegal, on the following accounts.

Blackſtone's Commentaries, 3d vol. p. 127.

When the crime, offence, or cauſe aſſigned for the confinement, is not ſuch as, by the laws of our country, ſubject perſons to ſuch confinement.

Secondly, when the offence aſſigned as a reaſon for the confinement is bailable, and bail is refuſed, after which (the refuſing of bail) the confinement becomes illegal.

Thirdly, where there is a deficiency in the form of the warrant or order, by which a perſon is confined; ſuch as an omiſſion of the crime or offence in the body of the warrant, &c.

There are no doubt other conſiderations, which will render a confinement illegal, with which I am not ſufficiently acquainted, to lay them before the Jury; but the foregoing, I am clear, are ſufficient to render a confinement illegal; and I ſhall therefore proceed to ſtate the evidence on this head, upon the proclamation, records of the Mayor's Court, &c.

Oath by Lord Pigot. Tellaſinga.

And firſt, you will do well to conſider attentively, the oath of Lord Pigot; an atteſted copy of which, under the ſeal of the Mayor's Court, I have laid before you; the greater part of which is corroborated and confirmed by the evidence of Tellaſinga.

From the oath aforeſaid, it appears, with what commiſſion and powers Lord Pigot came out to India.

R. That his Lordſhip took charge of Fort St. George on or about the 9th of December, 1775, by virtue of the ſaid commiſſion; that his Lordſhip

Lordſhip continued in the exerciſe of the authority granted him by his commiſſion, and in poſſeſſion of Fort St. George, until the 24th of Auguſt laſt, about eight o'clock in the evening; when he was ſtopt in his chaiſe on the highway, on the iſland between the two bridges, by an armed and military force; that Colonel James Stuart, Captain James Eidingtoun (otherwiſe called Colonel Eidingtoun), Adjutant-general, and Captain Arthur Lyſaght, did aſſault, ſeize, and compel the ſaid Lord Pigot (he the ſaid Lord Pigot being in bodily fear of his life) to enter the poſt-chaiſe of Mr. Paul Benfield, wherein the ſaid Captain Arthur Lyſaght alſo entered, having in his hand a piſtol; that an European, whom there is reaſon to believe was armed with loaded piſtols, mounted behind the ſaid chariot; that the ſaid chariot proceeded to St. Thomas's Mount, where Lord Pigot was delivered over to the cuſtody of Major Horne (with certain order or orders, ſaid to be from the ſaid Colonel James Stuart), in whoſe cuſtody Lord Pigot remained, till about the time of his death. Tellaſings. Oath of Lord Pigot. Lathom.

It alſo appears, that ſome days after Lord Pigot's confinement, Mr. Sedgley, his attorney at law, applied to Major Horne, in the preſence of Meſſrs. Lathom and Halliburton, for the order or warrant, by virtue of which Major Horne detained Lord Pigot a priſoner at his houſe, in order to obtain a writ of Habeas Corpus from the Honourable the Mayor's Court; that Major Horne refuſed to produce the order or warrant, or a copy of it, to Mr. Sedgley, as is atteſted by Meſſrs. Lathom and Halliburton. Lathom. Halliburton.

Now, Gentlemen, the plain inference from this refuſal is, that the warrant or order was not ſuch a legal warrant, as would juſtify Major Horne in detaining Lord Pigot a priſoner; if it had been ſuch, where was the neceſſity or uſe in refuſing to produce it, or a copy of it, when legally applied to.

Now the cauſes or reaſons aſſigned for confining Lord Pigot, are ſet forth at large, in a proclamation ſigned by Meſſrs. Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, and by their orders read at different times in the Fort; firſt to the ſoldiers, by the ſaid Captain Arthur Lyſaght; afterwards, by Mr. Secretary Oakley, to all the European inhabitants of this Town of Madras; put up at the ſeveral gates of the Fort, and diſpatched, not only to the dependencies of this Settlement, but to every part of India.

Copy of which proclamation, I have, Gentlemen, laid before you; which copy has been examined by me; which I myſelf compared with that upon the Sea-gate of this Fort, and I believe to be a true copy of the original, except that the names of the perſons ſigning, are not ranged in the ſame order.

Now, Gentlemen, you will conſider, whether in this proclamation, there be or be not, any treaſon, felony, or other offence, againſt the laws of your country, laid to the charge of Lord Pigot; if you find that there is, or if any ſuch charges againſt Lord Pigot, have come to your knowledge, ſince the iſſuing of the ſaid proclamation, then you will find the confinement of Lord Pigot legal; except you find that there was a deficiency in point of form in the warrant.

If, Gentlemen, you find no treaſon, felony, or other offence, againſt the laws of your country, in the ſaid proclamation, nor have heard of any ſuch charges being laid to Lord Pigot, you will find the confinement illegal; you will alſo find the confinement illegal, if you find that there was any deficiency in the order or warrant by which Lord Pigot was confined.

Upon the whole, Gentlemen, if you find Lord Pigot's confinement was legal, your verdict, for reaſons foregiven, will be, that Lord Pigot died by the viſitation of God, in the courſe of nature.

If you find that Lord Pigot's confinement (which cauſed his death) was illegal; you will next conſider what offence this illegal confinement, and the conſequence of it, the death of Lord Pigot, is in the ſenſe of the law.

And here, Gentlemen, I once more beg leave to obſerve to you, that, in my opinion, this queſtion, the legality or illegality of Lord Pigot's confinement, may be diſcuſſed. without taking into conſideration the legality or illegality of the preſent government, by whom Lord Pigot was confined; with which, in my opinion, the Jury have nothing to do, ſince it implies no contradiction; but on the contrary, it appears from hiſtory, that a legal government may do illegal acts.

V.

Gentlemen, you have now found that the confinement of Lord Pigot was illegal; you have before found that Lord Pigot's confinement was the caufe of his death.

You will do well, in the next place, to confider maturely the opinion before quoted, of Sir Matthew Hale, *viz.* "If a man by "harfh and unkind ufage, put another into fuch a paffion, or grief, "or fear, that the party either die fuddenly, or contract fome dif-"eafe, whereof he dies; though this may be murder or man-"flaughter in the fight of God, yet in a human judicature, it can-"not come under the judgment of felony, becaufe no external act of "violence was offered, whereof the law can take notice." (*Hale's Hift. of the Pleas of the Crown*, 429.) Burn's Juftice, p. 427.

Gentlemen, in my opinion, the foregoing implies, that if there be fuch an external act, whereof the law can take notice, then the eventual, harfh, and unkind ufage, in that external act, which caufed the death of the perfon, will in a human judicature come under the judgment of murder or manflaughter.

You will therefore proceed to confider, whether an illegal confinement be or be not fuch an external act, as that eventually caufing the death of any one, will bring that death under the judgment of murder or manflaughter in a human judicature.

If you find that an illegal confinement be not fuch an external act, your verdict (according to the foregoing great authority) will be, that Lord Pigot died of the vifitation of God in the courfe of nature.

If you find that an illegal confinement be fuch an external act, as that eventually caufing the death of any one will bring that death under the judgment of murder or manflaughter, in the fenfe of the law, you will next proceed to which of thefe two offences the death of Lord Pigot can be imputed. The better to enable you to do this, in the extraordinary cafe of Lord Pigot's death, and alfo to enable you to determine, whether the prefent offence be murder or manflaughter, I have quoted the following authorities from fuch books as are in my poffeffion.

lackstone's Commentaries, vol. iv, p. 195. Judge Blackstone observes, book 4th, chap. 14th, page 195, that "murder is now thus defined, or rather described by Sir Edward "Coke; when a person of sound memory and discretion unlawfully "killeth any reasonable creature in being, and under the King's "peace, with malice forethought, either expressed or implied."

P. 196. "The unlawfulness arises from the killing without warrant or "excuse, and there must also be an actual killing to constitute mur-"der (for a bare assault with an intent to kill, is only a great mis-"demeanor). The killing may be poisoning, striking, starving, "and a thousand other forms of death, by which human nature "may be overcome."

P. 197. "If any man does such an act of which the probable consequences "may be, and eventually is death; such killing may be murder, "although no stroke is struck by himself; as was the case of the "unnatural son, who exposed his sick father to the air against his "will, by reason whereof he died; and of the harlot who laid her "child in an orchard, where a kite came and killed it."

P. 198 and 199. "The killing must be committed with malice forethought, to "make it the crime of murder; that is the grand criterion which now "distinguishes murder from other killing; and when the malice "prepense, *malitia præcogitata*, is not so properly spite or malevo-"lence to the deceased in particular, as an evil design in general, "the dictates of a wicked, depraved, and malignant heart, *un dis-"position a fairè un mal chose*; and it may be either expressed or "implied in law. Express malice is, when one, with a sedate deli-"berate mind and formed design, doth kill another; which formed "design is evidenced by external circumstances discovering that in-"ward intention."

P. 200. "In many cases, where no malice is expressed, the law will imply "it; as where a man wilfully poisons another; in such a deliberate "act, the law presumes malice, though no particular enmity can be "proved."

P. 201. "If one intends to do another felony, and undesignedly kills a "man, this is also murder."

Ditto. "All homicide is presumed to be malicious, until the contrary "appeareth upon evidence."

H.P Crown chap. 31st, sect 3d. *Serjeant Hawkins* (*Book 1st, Chap. 31st, which is of Murder, Sect. 3d.*) observes, "That by murder at this day, we understand "the

" the wilful killing of any ſubject whatſoever, through malice
" forethought."

As to the firſt part, *viz.* " In what caſes a man may be ſaid to " kill another, not only he, who, by a wound or blow, or by poi- " ſoning, ſtrangling, famiſhing, &c. directly cauſes another's death, " but alſo in many caſes, he who, by wilfully and deliberately doing " a thing which apparently endangers another's life, thereby occa- " ſions his death, ſhall be judged to kill him." Sect. 4th.

Serjeant Hawkins quotes the caſe of the unnatural ſon, &c. Sect. 5th.

The caſe of the harlot before taken notice of. Sect. 6th.

" If a perſon hurt by another die thereof within a year and a " day, it is no excuſe for the other, that he might have recovered, " if he had not neglected to take care of himſelf." Sect. 10th.

" As to what killing ſhall be adjudged of malice prepenſe or " murder, it is to be obſerved, that any formed deſign of doing miſ- " chief may be called malice; and therefore, that not ſuch killing " only as proceeds from premeditated hatred or revenge againſt the " perſon killed, but alſo in many other caſes, ſuch as is accompanied " with thoſe circumſtances as ſhew the heart to be perverſely wicked, " is adjudged to be of malice prepenſe, and conſequently murder." Sect. 18th.

" And according to this notion I ſhall conſider firſt, ſuch murder " as is occaſioned by an expreſs purpoſe to do ſome perſonal injury " to him in particular who is ſlain; in which caſe the malice ſeems " to be more properly ſaid to be implied. Sect. 19th.

" By malice expreſſed, is meant a deliberate intention of doing " any bodily harm to another whereunto by law a perſon is not " authorized." *(1 Hale's Hiſt. P. C. 154.)*

" The evidence of ſuch malice muſt ariſe from external circum- " ſtances, diſcovering that inward intention, as lying in wait, &c. " *(1 Hale's Hiſt. P. C. 451.)* 3*d.* Malice implied is in ſeveral caſes, " as where one violently kills another without any provocation; for " in this caſe the law preſumes it to be malicious, and he is a public " enemy of mankind." *(1 Hale's P. C. 455, 456.)* *6th.* " When " a priſoner dieth by dureſs of the gaoler, the law implies ma-

" lice by reaſon of the cruelty." *(3 Inſt. 52.)* 8*th*. " Whenever " it appears that a man killed another, it ſhall be intended, *prima* " *facie*, that he did it maliciouſly, unleſs he can make out the con- " trary by ſhewing that he did it on a ſudden provocation, or the " like." *(Hawkins, 82.)* Gentlemen, I have thrown together theſe quotations for your information, but would adviſe you to have recourſe to the books themſelves for your further ſatisfaction. And now, Gentlemen, having firſt determined whether the illegal confinement of Lord Pigot be ſuch an external act as is attended to in the foregoing quotations from Sir Matthew Hale, you will next conſider whether there be malice expreſs or implied.

And now, Gentlemen, I will obſerve to you, that it does not appear to me from the evidence, that there was any expreſs malice or previous deſign of cauſing the death of Lord Pigot by confinement. You will yourſelves judge whether malice ought to be implied from the following circumſtances which appeared in the courſe of the evidence.

Oath of Lord Pigot. Telaſinga.

And firſt, it appears that Lord Pigot was ſtopped on the highway in his open chaiſe by an armed and military force.

Petition and oath of Lord Pigot.

Secondly, That Captain Lyſaght had a piſtol in his hand, with which he entered the poſt-chariot with Lord Pigot, and continued with the ſaid piſtol in the chariot from the Iſland to the Mount, which I need not inform you, Gentlemen, is about eight miles.

Lathom.

Thirdly, That Lord Pigot was apprehenſive that the ſeizure of the Fort might occaſion the hurt of many people.

Paſley.

Fourthly, That Mr. Paſley, on the 28th of April laſt, acquainted Mr. Stratton, who ſaid he was conſulting with his Council upon the matter, That if the re-committing Lord Pigot to a military guard ſhould come to his Lordſhip's knowledge, it would irritate him, and might do him conſiderable injury in the ſituation his Lordſhip was then in.

That notwithſtanding this infotmation from the ſurgeon attending his Lordſhip, Mr. Stratton and his Council did recommit Lord Pigot to a military guard; nor does it ever appear that any precautions were taken by Mr. Stratton and his Council to keep a knowledge of

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this from his Lordſhip, though Major Horne, at the deſire of Mr. Monckton, promiſed to do it as much as lay in his power.

I ſhall obſerve to you, Gentlemen, that in theſe inſtances there appears to me to be a very blameable degree of indifference as to the lives of others; whether they imply malice according to the ſpirit of the law, you, Gentlemen, will judge; you will conſider whether the words atteſted by Meſſrs. Ruſſel, Stone, Monckton, and Lathom, to be in an order ſhewn by Major Horne to them and to Lord Pigot, and ſigned George Stratton, Robert Fletcher, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, do or do not imply malice according to law. The words are as follows: "As the "laſt reſource in caſe of an attempt to reſcue Lord Pigot, his life "muſt anſwer it, and this you will ſignify to him."

If you find that theſe inſtances do not imply malice, your verdict will be manſlaughter: If you find that they do, your verdict will be murder. And in either caſe you will next conſider who are the perſons concerned.

And in this enquiry you muſt be careful to diſtinguiſh the principals from the acceſſaries, on which ſubject I ſhall obſerve, that all thoſe preſent aiding and aſſiſting in the ſeizure of Lord Pigot are principals; and alſo all thoſe by whoſe orders the ſaid principals acted, are acceſſaries before the fact. For your further information on this head I refer you to the 29th chapter of the ſecond book of *Hawkins's Pleas of the Crown*, which is of the arraignment of principal and acceſſary. Now it appears from the evidence of Telaſinga, R.M.Court. and from the oath of Lord Pigot, on the Records of the Mayor's Oath of Lord Pigot. Court, that Colonel James Stuart, Captain Arthur Lyſaght, Captain James Eidingtoun (otherwiſe called Lieutenant-colonel Eidingtoun), Adjutant General, and certain ſepoys, whoſe names are not known, acting under the undue influence of the ſaid Colonel James Stuart, Captain Arthur Lyſaght, and Captain James Eidingtoun, were principals in ſeizing the perſon of Lord Pigot. Telaſinga, indeed, Telaſinga. does not bear evidence againſt Captain Eidingtoun; he ſays, that the officer who aſſiſted Colonel Stuart and Captain Lyſaght appeared to him to be Mr. Sydenham; however, Lord Pigot, who muſt have known Captain Eidingtoun perfectly, from the public ſtation in which he acted, poſitively ſwears to his perſon in his oath upon the Oath of Records of the Mayor's Court, and it is hardly poſſible that he ſhould Lord Pigot. be miſtaken. From the ſame evidence it appears, that the ſaid

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Arthur Lyſaght, and Matthew Horne, Major of artillery, together with certain perſons, officers, and others belonging to the corps of artillery ſtationed at St. Thomas's Mount, acting under the undue influence of the ſaid Major Horne; alſo certain ſepoys acting under the ſaid undue influence, were principals in reſtraining and confining the perſon of the ſaid Lord Pigot, as well at the Company's Garden-houſe as at St. Thomas's Mount aforeſaid. It alſo appears from the Records of the Mayor's Court, that the Members of a Court of Appeal, held 24th of December, 1776, acknowledged that Lord Pigot was reſtrained and confined by their order in their capacity of Members of this Government; alſo thoſe perſons whoſe names appear to the proclamation laid before you, dated 24th of Auguſt, 1776, wherein they call themſelves the only repreſentatives of the Company and Members of the Government of Fort Saint George, and its Dependencies, *viz.* George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, acknowledge, in the ſaid proclamation, that Lord Pigot was arreſted by their orders. It alſo appears, S. E. H. M. R. S. L. by the evidence of Sir Edward Hughes, Meſſrs. Monckton, Ruſſel, Stone, and Lathom, that Major Horne did receive orders from the above George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, during the confinement of Lord Pigot, and relative to that confinement.

VI.

Gentlemen, you have brought your verdict, I ſubmit it to your conſideration, whether it be adviſable, in the preſent ſtate of affairs, to make it public, whether ſuch a publication might not be deemed an attempt to ſtir up a mutiny in this garriſon?

Whether it does not become us in particular to be cautious leſt our verdict become an occaſion of ſtrife and miſchief, and whether in this particular we ought not to follow the conduct of the Court of Judicature at Bengal?

Whether in the preſent ſtate of affairs, and conſidering the authority, which I at preſent can exert, can only command voluntary aſſiſtance, the publication of our verdict will be attended with any good conſequences, and what? and whether it is not rather adviſable to conceal, as far as is in our power, our verdict, till news ſhall arrive from Europe, or, at leaſt, till I can have the authority of the Court of

of Judicature at Bengal, to prove that my pretended removal was illegal?

All this I ſubmit to your conſideration, and will abide by your determination, having no doubt but you will ſupport me to the beſt of your abilities, in the prudent exerciſe of my office. And I take this opportunity, Gentlemen, to thank you for your ready attendance on my ſummons, and your conſtant application to the buſineſs of the enquiry.

I am, Gentlemen,

Your moſt obedient Servant,

(Signed) G. A. Ram, Coroner.

(A true Copy.)

William Sedgley, Clerk of Peace.

Ex[d]. C. B. Soll.

VERDICT *of the* Coroner's Inqueſt.

Town of MADRASPATNAM. *ſſ.*

AN Inquiſition indented, taken at the Company's Garden-houſe, diſtant about a mile from Fort St. George, and within the diſtricts of the town of Madraſpatnam aforeſaid, the 11th Day of May, in the 17th year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth; and in the year of our Lord 1777, before me George Andrew Ram, Coroner of our ſaid Lord the King for the town and diſtricts of Madraſpatnam aforeſaid, on the view of the body of the Right Honourable George Lord Pigot, Baron Pigot of Pattiſhull in the Kingdom of Ireland, then and there lying dead; and, by adjournment, at the houſe of George Smith, Foreman on the ſaid Inquiſition, in the ſaid Fort, the 12th, 13th, 14th, 15th, 16th, 17th, 19th, 21ſt, 26th, 27th, and 30th days of the ſaid month, alſo the 2d, 5th, 6th, 9th, 17th, 18th, 26th, and 30th days of the month of June in the ſaid year; alſo the 7th, 10th, 12th and 30th days of July in the ſaid year; alſo the 5th and 7th days of the month of Auguſt in the ſaid year, on the oath of George Smith aforeſaid, Andrew Roſs, George Baker, Thomas Powney, Thomas Pelling, John De Fries, Robert Ewing, George Taſwell, Alexander Cuthbert, Robert Farquhar, William Parſons, and John Turing, good and lawful men of Madraſpatnam aforeſaid, who being ſworn and charged to enquire on behalf of our ſaid Lord the King, when, where, and after what manner, and by what means, the ſaid George Lord Pigot came to his death, do ſay upon their oaths, That *George Stratton*, *Henry Brooke*, *Charles Floyer*, *Archdale Palmer*, *Francis Jourdan*, and *George Mackay*, in the civil ſervice of the Engliſh Eaſt India Company at Madraſpatnam aforeſaid, Brigadier-general *Sir Robert Fletcher*, Colonel *James Stuart*, Lieutenant-colonel *James Eidingtoun*, Adjutant-general, Captain *Arthur Lyſaght* in the ſaid Company's ſervice at Madraſpatnam aforeſaid, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the Devil, on or before the 24th day of Auguſt, in the 16th year of the reign of our ſaid Lord the King, with force and arms,

arms, within the diſtricts of the ſaid town of Madraſpatnam, againſt the ſaid George Lord Pigot, Governor of the ſaid Fort St. George and its Dependencies, then and there being in the peace of God and our ſaid Lord the King, feloniouſly, voluntarily, and of their malice forethought did combine and conſpire to ſeize, confine, and keep as a priſoner the ſaid George Lord Pigot, and to take from him the ſaid George Lord Pigot the Government of the ſaid Fort Saint George and its Dependencies, and to place the government of the ſaid Fort St. George and its Dependencies in the hands of the ſaid George Stratton; and that in purſuance of the ſaid combination and conſpiracy, the ſaid Colonel James Stuart did accompany the ſaid George Lord Pigot in the chaiſe of the ſaid George Lord Pigot, on the road between the ſaid Fort St. George and the ſaid Garden-houſe, between the hours of ſeven and eight in the evening of the ſaid 24th of Auguſt, in the year aforeſaid; and that the ſaid Lieutenant-colonel James Eidington, aided and abetted by certain ſepoys to the Jurors aforeſaid unknown, armed with muſkets and bayonets, the ſaid chaiſe then and there did ſtop, and the ſaid Colonel James Stuart, the ſaid Lieutenant-colonel James Eidington, together with the afore-Captain Arthur Lyſaght, having and holding, in his the ſaid Arthur Lyſaght's right-hand a piſtol, in and upon the ſaid George Lord Pigot, then and there being in the chaiſe aforeſaid, in the peace of God, and of our Sovereign Lord the King, did make an aſſault, and the ſaid George Lord Pigot did then and there put in bodily fear, and the ſaid George Lord Pigot did then and there ſeize and make a priſoner, and did then and there compel and force the ſaid George Lord Pigot to quit his the ſaid George Lord Pigot's chaiſe aforeſaid, and then and there to enter a poſt-chariot belonging to Paul Benfield in the ſaid Company's civil ſervice; into which ſaid poſt-chariot the ſaid Captain Arthur Lyſaght did alſo then and there enter; and the ſaid Captain Arthur Lyſaght did then and there take with him the piſtol aforeſaid, in order to reſtrain, confine, and keep a priſoner the ſaid George Lord Pigot in the ſaid poſt-chariot; and that a ſerjeant in the ſaid Company's ſervice, to the Jurors aforeſaid as yet unknown, was then and there preſent, aiding and abetting the ſaid Colonel James Stuart, the ſaid Lieutenant-colonel James Eidingtoun, and the ſaid Captain Arthur Lyſaght, in ſeizing and making a priſoner the ſaid George Lord Pigot, in manner and form aforeſaid; and that the ſaid poſt-chariot was then driven to St. Thomas's Mount, and between the hours of eight and nine in the evening of the ſaid 24th of Auguſt, in the year aforeſaid, did arrive at a houſe at

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the ſaid St. Thomas's Mount, belonging to Major Matthew Horne, commanding the corps of artillery in the ſaid Company's ſervice, then ſtationed at the ſaid St. Thomas's Mount, and that the ſaid Captain Arthur Lyſaght then and there did cauſe the ſaid George Lord Pigot to alight from the ſaid poſt-chariot, and him the ſaid George Lord Pigot did then and there deliver over as a priſoner to the ſaid Major Matthew Horne, and that the ſaid Major Matthew Horne did then and there receive the ſaid George Lord Pigot as a priſoner: And that the ſaid Major Matthew Horne did then and there himſelf, and by the aid and aſſiſtance of certain officers and ſoldiers belonging to the ſaid corps of artillery, then and there acting under the command of him the ſaid Major Matthew Horne, to the Jurors aforeſaid as yet unknown, did then and there reſtrain, confine, and keep a priſoner, and did cauſe to be reſtrained, confined, and kept a priſoner, the ſaid George Lord Pigot; and that the ſaid Major Matthew Horne, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, feloniouſly, voluntarily, and of his malice, fore-thought, himſelf, and by the aid and aſſiſtance of the ſaid officers and ſoldiers unknown, did reſtrain, confine, and keep a priſoner, and cauſe to be reſtrained, confined, and kept a priſoner, the ſaid George Lord Pigot at the ſaid St. Thomas's Mount, from the ſaid 24th of Auguſt in the ſaid year, to the 28th of April in the 17th year of the reign of our ſaid Lord the King, and from the ſaid 28th of April, to the 11th of May, in the ſaid 17th year of our ſaid Lord the King; the ſaid Major Matthew Horne, by the aid and aſſiſtance of certain ſepoys, to the Jurors aforeſaid as yet unknown, and a ſerjeant, to the Jurors aforeſaid as yet unknown, the ſaid George Lord Pigot did cauſe to be reſtrained, confined, and kept a priſoner at the Company's garden-houſe aforeſaid; and that immediately after the ſeizure of the ſaid George Lord Pigot was effected as aforeſaid, to wit, the evening of the 24th of Auguſt, in the 16th year of the reign of our Lord the King, in purſuance of the combination and conſpiracy aforeſaid, the ſaid George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Makcay, the ſaid Fort did enter, and did take poſſeſſion of the ſaid Fort, and did aſſume the government of the ſaid Fort St. George and its Dependencies, and did iſſue orders, the ſaid George Stratton as Governor, and the ſaid Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, as Council for the affairs of the ſaid Company at the ſaid Fort St. George and its Dependencies, and that

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the ſaid Colonel James Stuart did return to the ſaid Fort after the ſeizure of the ſaid George Lord Pigot, to wit, between the hours of ſeven and eight in the evening of the 24th of Auguſt aforeſaid, and did then and there aid, abet, comfort, and maintain the ſaid George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, in taking poſſeſſion of the ſaid Fort; that the ſaid George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, did iſſue an order to the ſaid Major Matthew Horne, which was received by the ſaid Major Matthew Horne, and by him ſhewn to the ſaid George Lord Pigot, in which ſaid order were the following words: "As the laſt reſource, in caſe "of an attempt to reſcue Lord Pigot, his life muſt anſwer it, and "this you will ſignify to him." And that on the 27th day of the ſaid month of Auguſt, in the ſaid year, at the dead of night, the ſaid Lieutenant-colonel James Eidingtoun did come with a poſt-chariot to the houſe of Major Matthew Horne aforeſaid, and did inform the ſaid Major Matthew Horne, and the ſaid George Lord Pigot, he the ſaid George Lord Pigot then and there being a priſoner, and under reſtraint and confinement, that he the ſaid Lieutenant-colonel James Eidingtoun had orders from the Governor and Council, meaning thereby the ſaid George Stratton, the ſaid Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, to remove the ſaid George Lord Pigot from St. Thomas's Mount aforeſaid that very night, to wit, the night of the ſaid 27th of Auguſt; and that the ſaid Lieutenant-colonel James Eidingtoun did refuſe to ſhew the ſaid orders to the ſaid George Lord Pigot, and alſo did refuſe to inform the ſaid George Lord Pigot to what place he the ſaid Lieutenant-colonel James Eidingtoun intended to remove him the ſaid George Lord Pigot; and that the ſaid Major Matthew Horne, and the ſaid Lieutenant-colonel James Eidingtoun, then and there did make an attempt to put into execution the ſaid orders, againſt the conſent and intreaty of the ſaid George Lord Pigot; and that the ſaid George Lord Pigot was then and there, by the ſaid attempt, and by the refuſal aforeſaid, thrown into a violent agitation of mind and body, and did declare that he the ſaid George Lord Pigot would not be removed alive; and that the ſaid Lieutenant-colonel James Eidingtoun, and the ſaid Major Matthew Horne, from the aforeſaid attempt did at length deſiſt; and that, ſometime in the month of October in the ſaid year, the ſaid George Lord Pigot, at the ſaid St. Thomas's Mount, then and there being a priſoner under

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the ſaid confinement, did receive information, that the ſaid George Stratton, Sir Robert Fletcher, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, had an intention of forcing and compelling him the ſaid George Lord Pigot to go on board ſome veſſel belonging to the ſaid Eaſt India Company, in order to tranſport him the ſaid George Lord Pigot to Europe; and that on or about the 4th day of January, in the 17th year of the reign of our ſaid Lord the King, the ſaid George Lord Pigot, at St. Thomas's Mount aforeſaid, then and there being and continuing a priſoner under the ſaid reſtraint and confinement, did receive information from Thomas Larkins, commander of the ſhip Lioneſs, belonging to the ſaid Eaſt India Company, that he the ſaid Thomas Larkins had been applied to by one of the members of the Council, meaning by the word Council the ſaid George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, George Mackay, and Colonel James Stuart, to carry him the ſaid George Lord Pigot to England; and that he the ſaid Thomas Larkins had been threatened by the perſons aforeſaid, that in caſe he the ſaid Thomas Larkins did refuſe to take him the ſaid George Lord Pigot on board the ſaid ſhip Lioneſs, as a priſoner, and to tranſport him the ſaid George Lord Pigot to England as aforeſaid, he the ſaid Thomas Larkins ſhould be deprived of the command of the Company's ſaid ſhip Lioneſs; and that the ſaid George Lord Pigot was then and there under great anxiety and apprehenſion on account of the ſaid intention of tranſporting him the ſaid George Lord Pigot to England, and the anxiety and apprehenſion under which the ſaid George Lord Pigot then and there laboured had a viſible and apparent effect on the ſpirits and behaviour of the ſaid George Lord Pigot; and that the ſaid apprehenſions in the ſaid George Lord Pigot of being tranſported to Europe was never entirely removed from the mind of the ſaid George Lord Pigot; and that the ſaid George Lord Pigot did frequently declare, that he the ſaid George Lord Pigot would not be forcibly removed from the ſaid St. Thomas's Mount whilſt he had life; and that he the ſaid George Lord Pigot was, by means of the reſtraint, confinement, and impriſonment aforeſaid, deprived of a great part of that exerciſe which before the ſaid confinement he the ſaid George Lord Pigot uſually took, and alſo of thoſe occupations and employments to which he the ſaid George Lord Pigot before his ſaid confinement was accuſtomed; and that the ſaid confinement of the ſaid George Lord Pigot, together with all the circumſtances of the ſaid confinement, did ſo operate on the mind and body of the ſaid George Lord

Pigot,

Pigot, as to occaſion a diſeaſe in the liver of the ſaid George Lord Pigot, the conſequence of which diſeaſe in the liver of the ſaid George Lord Pigot was a putrid bilious fever and flux, the ſymptoms of which fever and flux on the body of the ſaid George Lord Pigot were firſt apparent about the 8th of March in the ſaid year; and that the ſaid George Lord Pigot being of a good conſtitution did in ſome degree recover from the ſaid putrid bilious fever and flux towards the latter end of the ſaid month of March, but the ſaid diſeaſe in the liver of the ſaid George Lord Pigot ſtill ſubſiſting, and the ſaid George Lord Pigot ſtill remaining a priſoner under the ſaid confinement did, about the beginning of April in the ſaid year, ſuffer a relapſe, and did again labour under a putrid bilious fever and flux as before, from which time, to wit, from the beginning of April aforeſaid to the 28th of the ſaid month, the ſaid George Lord Pigot did languiſh, and languiſhing did live a priſoner in the ſaid confinement at St. Thomas's Mount aforeſaid; that the ſaid Major Matthew Horne, with the conſent of the ſaid George Lord Pigot, and by the advice of Gilbert Paſley the ſurgeon who attended the ſaid George Lord Pigot during his the ſaid George Lord Pigot's ſaid diſeaſe, did cauſe the ſaid George Lord Pigot to be removed from his the ſaid Major Matthew Horne's houſe at St. Thomas's Mount aforeſaid to the ſaid Company's Garden-houſe the ſaid 28th of April for the benefit of the ſea air; that on the road between the ſaid St. Thomas's Mount and the ſaid Garden-houſe the ſaid George Lord Pigot was not confined or reſtrained by any military guard, as he the ſaid George Lord Pigot before, to wit, from the 24th of Auguſt in the 16th year of the reign of our ſaid Lord the King to the ſaid 28th of April, had conſtantly been guarded, confined, and reſtrained; and that, on the ſaid 28th day of April, the ſaid George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, did give orders to the ſaid Major Matthew Horne ſtill to take charge of the perſon of the ſaid George Lord Pigot, and him the ſaid George Lord Pigot to impriſon, confine, and reſtrain at the ſaid Company's Garden-houſe as he the ſaid George Lord Pigot had been confined, reſtrained, and kept a priſoner at St. Thomas's Mount aforeſaid; and that they the ſaid George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, did put under the command of the ſaid Major Matthew Horne certain ſepoys, to the Jurors aforeſaid as yet unknown, and a ſerjeant, to the Jurors aforeſaid, as yet unknown, to be a guard over the ſaid George

Lord Pigot, for the purpose of confining and restraining the said George Lord Pigot at the Garden-house aforesaid; and that on the said 28th of April, and before the said orders relative to the confining and restraining the said George Lord Pigot at the said Garden-house were given to the said Major Matthew Horne, by the said George Stratton, Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, Gilbert Pasley the surgeon who attended the said George Lord Pigot, during his the said George Lord Pigot's said illness, did represent to the said George Stratton, then about to consult with the said Henry Brooke, Archdale Palmer, Francis Jourdan, and George Mackay, touching the placing of a guard for the purpose of confining and restraining the said George Lord Pigot at the said Garden-house, that if it should come to the knowledge of the said George Lord Pigot, that a guard was placed at the said Garden-house, for the purpose before mentioned, it would irritate the disease under which the said George Lord Pigot then and there laboured; that the said George Lord Pigot, from the said 28th of April, until the said 11th of May, did languish, and languishing did live, on which 11th day of May in the year aforesaid, in the Garden-house aforesaid, within the district of Madraspatnam aforesaid, under the confinement and restraint aforesaid, of the said disease produced and occasioned as aforesaid, he the said George Lord Pigot did die; and so the Jurors aforesaid, on their oaths aforesaid, say, That the said *George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght* and *Matthew Horne*, the said George Lord Pigot, in manner and by the means aforesaid feloniously, voluntarily, and of their malice forethought, did kill and murder, against the peace of our said Lord and King his crown and dignity; and the Jurors aforesaid, on their oaths aforesaid, say, that *the said first-mentioned serjeant*, to the Jurors aforesaid as yet unknown, *the said first-mentioned sepoys*, to the Jurors aforesaid as yet unknown, and *the said officers and soldiers, belonging to the corps of artillery*, to the said Jurors as yet unknown; *also another serjeant and other sepoys stationed at the said Garden-house*, to the Jurors aforesaid as yet unknown, were at divers times present, aiding, abetting, assisting, and maintaining the said George Stratton, Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght, and Matthew Horne, to do and commit the felony

felony and murder aforesaid, against the peace of our said Lord the King his crown and dignity. In witness whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their hands and seals, the 7th day of August, in the 17th year of the reign of our said Lord the King, and in the year of our Lord 1777.

	(Signed) GEORGE SMITH, Foreman.	(L. S.)
	ANDREW ROSS.	(L. S.)
	GEORGE BAKER.	(L. S.)
	THOMAS POWNEY.	(L. S.)
	THOMAS PELLING.	(L. S.)
(Signed) G. A. RAM, (L. S.)	JOHN DE FRIES.	(L. S.)
Coroner.	ROBERT EWING.	(L. S.)
	GEORGE TASWELL.	(L. S.)
	ALEXANDER CUTHBERT.	(L. S.)
	ROBERT FARQUHAR.	(L. S.)
	WILLIAM PARSONS.	(L. S.)
	JOHN TURING.	(L. S.)

(A true Copy.)
WILLIAM SEDGLEY, Clerk of the Peace.

To

To George Andrew Ram, Esq; Coroner of the Town of Madrasspatnam.

SIR,

Having, on your expoſition of the law, ſigned to the verdict given by the majority of the Jury on an Inqueſt held on the body of the late Right Honourable Lord Pigot, and being of a contrary opinion myſelf, I therefore judge it neceſſary to declare my ſentiments, requeſting you will lay this letter before the Judges at the ſame time with the verdict.

The only queſtion in which we were unanimous was, that Lord Pigot died in confinement, the reſtraint under which he was kept, not being ſufficiently, properly, nor regularly removed.

To the ſecond queſtion, whether the confinement of Lord Pigot, all circumſtances conſidered, was or was not the cauſe of his death? I was the only one that voted in the negative, that it was not the cauſe of his death; for I could not determine within myſelf, taking all the attending circumſtances together, to ſay, that the confinement was abſolutely the cauſe of his death; and from the difficulty which I laboured under I conceived that it would have been more conſiſtent in this particular caſe to have given a ſpecial verdict, ſubmitting it to the Judges to be determined upon, but the motion being over-ruled, it ſtood as firſt propoſed.

The third queſtion being to fix on the fact, as before determined, the degree of criminality it incurred by law; the Jury were divided equally between manſlaughter and murder, until on reconſideration two of the members receded from the former opinion, which made the majority of opinion to be murder, on which the preſent verdict is founded; and as I was one of thoſe who ſaid it amounted only to manſlaughter, I am deſirous that my opinion may be recorded.

I am, Sir,

Your moſt obedient Servant,

Fort St. George,
8th Auguſt, 1777.

(Signed) JOHN DE FRIES.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Exd. C. B. Soll.

SIR,

SIR,

Touching the inquiry concerning the death of Lord Pigot, I need not inform you, that I believed the ſeizure, impriſonment, and treatment therein, to be the cauſe of his death; and that I alſo believed the ſeizure and impriſonment to be a falſe and illegal ſeizure and impriſonment, but I found myſelf incompetent to pronounce farther, and therefore refuſed at firſt to ſign the verdict, becauſe ſigning a record upon oath, without conviction of mind, ſeemed repugnant to reaſon and common ſenſe. However, ſubmitting at length to your deciſion and judgment, and to the ſenſe of Eleven of the Jury on the queſtion, whether it was or was not my duty by law to ſign the verdict of the majority, I ſubſcribed my name.

Now leaſt I may have done more than is warranted by any authority, I am neceſſitated to avail myſelf of the condition of my ſigning, by requeſting, that the reaſon why I ſubſcribed as mentioned above may always accompany the verdict.

Fort St. George,
6th September, 1777.

I am, Sir,
Your moſt obedient humble Servant,

(Signed) ROBERT EWING.

To George Andrew Ram, Eſq;
Coroner for the Town of Madraſpatnam.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Ex[d]. C. B. Soll.

S I R,

The hurry I have been in for theſe two days paſt has not afforded me time till now to acquaint you, that upon mature reflection on the paſſage in the book I have of the office of Coroner as follows: "If it happens the Jury do not agree but divide, you "are then to collect their voices, beginning with the laſt in the "Pannel, and riſing upwards to the Foreman, whereby the Foreman declares his opinion laſt; you then collect the numbers, and "declare the majority, into which the minority ſinks, and the verdict or finding which is given by the Foreman is, from neceſſity, "as *ex dicto majoris partis juratorum* taken and conſidered as

" the verdict of all."—Alſo the opinion of Council had from Bengal;—It appeared to me improper to comply with your requeſt of delivering in the letter you thought proper to addreſs to me, and which was given to me in preſence of the reſt of the Jury, the beginning of this month, ſince I conſider it as my duty to deliver the verdict of the Jury, without taking notice of the opinion of any particular member who happened to differ from the majority.

I have only further to inform you, that I ſhall take the greateſt care of the letter, if ever you ſhould have occaſion to call upon me for it.

I am, Sir, your moſt obedient humble ſervant,

September 26, 1777.

(Signed) GEORGE ANDREW RAM, Coroner.

To Mr. De Fries.

The like letter was written to Mr. Ewing.

(A true Copy.)

Ex[d]. C. B. Soll. WM. SEDGLEY, Clerk of Peace.

[*The foregoing Proceedings, as appears by the Diary, were ſent, on the 24th of* September 1777, *to the Governor and Council of* Madras, *who are* Ex Officio *Juſtices of the Peace, with a Requeſt from the Coroner to be aſſiſted in apprehending the Perſons therein accuſed.—Mr.* Whitehill, *the Governor, waving this Requeſt, deſired theſe Gentlemen to attend him at the Company's Garden-houſe the following evening, when, without entering upon the Nature of the Inqueſt, he committed them to the Charge of the Sheriff by the following Warrant.*]

Town of MADRASPATNAM. *ſſ.*

WHEREAS by an inquiſition taken before George Andrew Ram, his Majeſty's Coroner for the ſaid Town of Madraſpatnam and the diſtrict thereof, the 11th day of May, at the Company's Garden-houſe, within the ſaid diſtricts of the ſaid Town of Madraſpatnam, on the view of the body of George Lord Pigot, then and there lying dead, and by divers adjournments to and at the houſe of George Smith, Foreman of the ſaid Inquiſition, in Fort St. George, within the diſtricts of the ſaid Town of Madraſpatnam, from the ſaid 11th of May to the 7th of Auguſt laſt, George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, and George Mackay, Eſqrs. and Brigadier-general James Stuart, ſtand charged with the wilful murder of the ſaid George Lord Pigot. Theſe are therefore in his Majeſty's name to charge and command you to receive into your cuſtody the ſaid George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis

 Jourdan,

Jourdan, George Mackay, and James Stuart, and them ſafely keep, untill they ſhall be diſcharged by due courſe of law, and for which this ſhall be your warrant.

Given under my hand and ſeal this 25th day of September 1777.

JOHN WHITEHILL, Juſtice.

To the Sheriff of the Town of Madraſpatnam.

EXTRACTS from the Proceedings of the Quarter Seſſions and Juſtices of the Peace in ſo far as relates to the *Verdict* of the *Coroner's Inqueſt*.

TUESDAY the 30th of September, 1777.

At a COURT of SESSIONS.

JUSTICES PRESENT,

JOHN WHITEHILL, Eſq. Chairman,
ANTHONY SADLIER, and QUINTIN CRAUFURD, Eſqrs.

MR. CHARLES BROMLEY, Solicitor for George Stratton, Eſq. and others now under confinement, charged by a Coroner's Inqueſt with the Wilful Murder of the late Right Honourable Lord Pigot, appears and prays leave of the Court to deliver in the two following Petitions from thoſe Gentlemen.

To the Honourable John Whitehill, Eſq. &c. Juſtices of Oyer and Terminer and General Gaol Delivery of the Town of Madraſpatnam and its Diſtricts.

The HUMBLE PETITION *of* George Stratton, *Eſq. Brigadier General* James Stuart, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, *and* George Mackay, *who, with ſundry others, ſtand accuſed of the Homicide of the late* GEORGE *Lord* PIGOT, *for as much as concerns each and every of your Petitioners in the Body of ſuch Bill of Indictment as may be preferred againſt us.*

" WE are informed that a Bill of Indictment is intended to be preferred againſt us to the Grand Jury, for a crime of the moſt atrocious nature, a crime, that, ſurely, no unprejudiced man can

 think

think us capable of; as, however, ſuch a charge exiſts againſt us, we wiſh for nothing more than to ſtand a fair and open trial, and publickly to convince the world of our innocence; yet we truſt in the candour of the Court, that they will prevent any illegal or improper evidence being laid before the Grand Jury againſt us, and ſuch we apprehend to be the informations, as taken upon a pretended Inqueſt held on the body of the late Lord Pigot; for we humbly conceive, that the perſon who preſided there was neither legally appointed nor legally empowered to hold that or any Inqueſt; and we humbly beg leave to repreſent to you, that he himſelf ſeemed ſo conſcious of his having no ſuch authority, that, except in this one inſtance, he conſtantly, for ſix months previous to the death of Lord Pigot, declined the duty of that office, and tacitly acknowledged he had no power to act, by referring applications made to him as Coroner, to another perſon.

" We humbly repreſent to this Honourable Court, that ſeveral of the perſons who compoſed the Jury on this Inqueſt, by open and public declarations in writing, entered upon the Records of Government here, addreſſed to the Court of Directors at home, and publiſhed in London long before the death of Lord Pigot, manifeſtly proved that they were neither unprejudiced nor impartial men.

" Had a legal and impartial Coroner inquired into the cauſe of Lord Pigot's death; had he ſummoned a Jury compoſed of the moſt reſpectable and creditable inhabitants of this preſidency; nay, had the Inqueſt, illegal as it was, been held in a place where the public could have reſorted, we are convinced, from the integrity of our own hearts, that the propriety of our conduct would not be this day brought into queſtion, nor the death of Lord Pigot be found to be otherwiſe cauſed than by the hand of God.

" We therefore humbly pray, that an Inqueſt illegally held, and informations illegally obtained, may not be offered as evidence to the Grand Jury; but leſt our deſire may be miſconſtrued by the ungenerous part of mankind, leſt we may be ſuſpected of a wiſh to elude the juſtice of the Court, we alſo humbly intreat, that a Bill of Indictment for the murder of Lord Pigot may be preferred againſt us, and that the witneſſes who were examined on the Inqueſt, and any others who may preſent themſelves (ſuch of them, we mean, as may be deemed by the Court legal evidence), we intreat we ſay, that they may be ſworn in Court, and perſonally examined by the

 Grand

Grand Jury, in order that theſe Gentlemen may have the moſt ſatisfactory grounds whereon to found an opinion as to the juſtice or futility of the charge.

"And your Petitioners, as in duty bound, ſhall ever pray.

(Signed) George Stratton,
Henry Brooke,
James Stuart,
Charles Floyer,
Archdale Palmer,
Francis Jourdan.
George Mackay."

(A true Copy)

By order of Court.

Wm. Sedgley, Clerk of Peace.

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery for the Town of Madraspatnam and its Districts.

The HUMBLE PETITION *and Declaration of Brigadier General* James Stuart, *one of the Persons who stands accused for the Homicide of* GEORGE *Lord* PIGOT,

Sheweth,

THAT your Petitioner being entirely unacquainted with the particular grounds, or nature of proofs, on which the supposed Inquest, said to be taken by George Andrew Ram, have found the heavy charge against your Petitioner; your Petitioner can only declare, in this stage of the business, That your Petitioner is ready and willing now, and at all times, to stand any form of trial or enquiry that the laws of his country can warrant, not only for every act of your Petitioner in consequence of the orders or instructions of a majority of Council, which your Petitioner, as a soldier and servant of the United Company of Merchants trading to the East-Indies, has ever thought, and still thinks it his duty implicitly to obey, but likewise for every act, opinion, or advice, applicable to your Petitioner, after your Petitioner had the honour of a seat and voice in Council.

Your Petitioner therefore most humbly prays, that this his declaration and petition may be received, publicly read, and recorded as his act and deed.

And your Petitioner, as in duty bound, shall ever pray.

(Signed) JAMES STUART.

(A true Copy)

By order of Court,

WM. SEDGLEY, Clerk of the Peace.

Wednesday, the 1ſt of October, 1777.

At a COURT of SESSIONS.

JUSTICES PRESENT.

John Whitehill, Eſq. Chairman,
Anthony Sadlier, and Quintin Craufurd, Eſqrs.

THE Court opened. Sheriff returns his precepts. Chairman delivers the following paper to the Clerk of the Peace, who reads it to the Court.

" Considering it as one of the many important duties of a Judge to facilitate and forward the courſe of juſtice, the Gentlemen on the bench were determined to have proceeded on the buſineſs of the preſent ſeſſions without adjournment or delay from them; but by the verdict of an Inqueſt, and ſundry informations, that have come before us, relative to the death or murder of the late Right Honourable Lord Pigot, we have found the ſubject of ſo uncommon and extraordinary a nature, that we wiſh to proceed in it with the utmoſt circumſpection we can obſerve, leſt, by any error in the proceedings, the guilty ſhould be ſcreened from juſtice, or the innocent expoſed to danger. We have therefore reſolved to apply to the Judges of the High Court of Judicature at Fort-William, for their opinion and advice; in ſo doing, we are well perſuaded we ſhall meet the views and wiſhes of every honeſt and diſpaſſionate man, which in the moſt rigid minds ſhould only be, that juſtice ſhould be obtained, and not eluded. Beſides the ſatisfaction we ſhall feel by proceeding with advice of ſo great authority, we have alſo the pleaſing expectation, that but very little time may be loſt in obtaining it; for the late animoſities in this Settlement having, more or leſs, engaged and affected the greater part of its ſmall ſociety, the nature and dignity of juſtice requires that as many as poſſible ſhould be ſummoned for the Juries, as were remote from the ſcene of diſſention: however great confidence we may have in men ourſelves, and however impartial they may really be, we think this much is due to the opinion of the world, particularly to thoſe who, by a diſtant ſituation

from this ſociety, have not the means, as we have, of knowing the characters that compoſe it. For this pupoſe we ſhall recommend to the Sheriff to iſſue his ſummons to the gentlemen at the ſubordinate factories, and theſe, with the perſons who have been already ſummoned, and any ſtrangers that may afterwards be found, we hope will fully provide againſt every accident.

" We underſtand much has been ſaid on the propriety of removing this matter to England, but we think whoever ſuggeſted ſuch a meaſure, could not have fully attended to all its certain and probable conſequences. It is at preſent before this Court; ſeveral perſons are bound over to proſecute, and we believe the only method by which it can now be removed, is by Writ of *Certiorari* from his Majeſty's Court of King's Bench at Weſtminſter. To obtain this Writ would probably require a year; to ſend home witneſſes and others, in conſequence of it, would require ſeveral months more; in the courſe of ſuch a period, material and important evidence, as well for the crown, as thoſe accuſed, might be loſt: the expence would be enormous, and the difficulties and delays in other inſtances might be ſuch as to fruſtrate the end of removing it.

" As we obſerve that many of the Gentlemen who ſat on the Grand Jury of yeſterday are now in the court, we take this opportunity to inform them, that the difficulties which have induced us to adjourn the preſent ſeſſions were then under conſideration, and therefore that we could not anſwer the queſtion propoſed to the Clerk, Whether they would immediately proceed to buſineſs in the preſent ſeſſions, and whether the ſame Grand Jury would again be called on? The queſtion from the Jury to the Bench was indeed highly irregular, but we were attentive to the particular circumſtances from whence it aroſe, and being thoroughly impreſſed with a ſenſe of the ineſtimable value and important duties of a Grand Jury, and with the nature and tendency of their oath, we were willing, and indeed deſirous, of ſatisfying them ſo far as was then in our power."

Court adjourned till Wedneſday 12th of November.

(A true Copy.)

By order of Court.

Wm. Sedgley, Clerk of Peace.

[*The Court being adjourned to the 12th of* November, *and Sir* Edward Hughes *being to sail for* England *immediately, the Justices called upon him and Mr.* L'Epine *his Secretary, to appear before them.*]

Town of MADRASPATNAM. *ss.*

The INFORMATION *of Sir* Edward Hughes *Knight, Commander in Chief of his Majesty's Squadron in* India, *taken before* John Whitehill, *Esq; Chief Justice,* Anthony Sadlier, *and* Quintin Craufurd, *Esqrs; Justices of his Majesty's Court of Oyer and Terminer, and Gaol-Delivery, at* Madraspatnam *aforesaid, on the Second Day of* October, *in the Year* 1777.

THIS Informant being duly sworn, and examined, deposeth, and saith, He hath been acquainted with the Right Honourable Lord Pigot from the year 1764; that upon Saturday night, the 24th of August 1776, he supped at the house of George Mackay, Esq; where he was informed that Lord Pigot had just then been seized; that he immediately repaired to the Company's Garden-house, where he saw Messrs. Russel and Monckton, who confirmed the news, and informed him, that Lord Pigot was carried to the Mount. As soon as it was day-light next morning, this Deponent went to the Mount, where he saw Lord Pigot in the house of Major Horne, walking to and fro in the hall in his usual manner. Some little time after this Deponent had entered into conversation with his Lordship, he was told by Major Horne, that he (Major Horne) was sorry to interrupt this Deponent, but that his orders were not to permit any communication with his Lordship, but in his (Major Horne's) presence; upon which this Deponent desisted: in about three hours after, this Deponent returned to his own house

at St. Thomé. About three days afterwards, between the hours of two and three in the morning, Mr. Ruſſel and Mr. Dalrymple came to this Deponent's houſe, to inform this Deponent, that an attempt had that night been made to remove Lord Pigot, and deſiring this Deponent to prevent it. That this Deponent came to the Fort before day-light, when Mr. Stratton aſſured this Deponent, that no farther attempt ſhould be made to remove his Lordſhip, if the Gentlemen at the Mount made no diſturbance, of which this Deponent informed Lord Pigot in a few hours. That his Lordſhip anſwered, He had no terms to make with theſe Gentlemen, but that he claimed the protection of the King's flag, by Major Horne's being ordered to give him ſafe-conduct to the Fort, or to the King's ſhip. In conſequence this Deponent wrote by his ſecretary to the Gentlemen in the Fort, which was not immediately anſwered, but Mr. Stratton ſignified to this Deponent, by his ſecretary, that his Lordſhip ſhould not be removed without this Deponent's being previouſly acquainted thereof. Upon this Deponent's communicating the above to Major Horne, he declared that all the troops in the Carnatic ſhould not remove his Lordſhip, without this Deponent's knowledge. On the 15th of October, this Deponent ſailed for Trincomalleè, from which place he returned on the 16th of January, when he heard that the ſending home Lord Pigot in the Lioneſs, had been debated in Council, but that it had been determined in the negative; upon which this Deponent, either on that day, or the next, aſked his Lordſhip, If he was ſatisfied on this ſubject. His anſwer was, "That they had determined not to ſend him home in "this ſhip," (meaning the Lioneſs). This Deponent added, "That "as he was now arrived, there was the further ſecurity that he could "not be removed without this Deponent's previous knowledge;" at which his Lordſhip ſeemed ſatisfied. This Deponent frequently viſited Lord Pigot afterwards, and he appeared in good health and ſpirits, and on the Monday, in the week on which Lord Pigot was attacked with illneſs, this Deponent ſaw his Lordſhip in the garden, at the houſe of Mr. Monckton at the Mount, in company with Mr. Stone; when this deponent obſerved to Mr. Stone, that it was too hot to remain in the garden, and expreſſed his fear that it might injure his Lordſhip. Mr. Stone anſwered, "That "his Lordſhip was uſed to it." This Deponent obſerved, "That "there was a difference between this time and twenty years ago, "and the old proverb, that the bucket never went ſo often to the "well, but it might be broken;" and then this Deponent returned into the houſe, which Lord Pigot did not. On the Friday following, this Deponent heard from Mr. Sydenham, that Lord Pigot had been taken

taken ill the day before; upon which this Deponent obſerved to Mr. Sydenham, " That he ſuppoſed Mr. Sydenham would acquaint Mr. " Stratton of it immediately." This was at Colonel Roſs's, about eleven o'clock at night, when Mr. Sydenham was going into the Fort. This Deponent underſtood that Mr. Sydenham did ſo the next morning, and that in the courſe of that day (Saturday), Mr. Stratton ſent for Mr. Paſley, to acquaint him of what he had heard, and that Mr. Paſley in anſwer ſaid, " He had ſeen Mr. Ruſſel, who " did not ſpeak of his Lordſhip's being particularly ill." Neverthe-leſs this Deponent underſtood Mr. Stratton had ordered Mr. Paſley to go to the Mount the next morning, being Sunday, where this Deponent met Mr. Paſley coming from Mr. Monckton's, and aſked him, " How he had found his Lordſhip?" who anſwered, " That " his Lordſhip was in a ſtate of putrid bile, and that if he had been " applied to two days ſooner, he ſhould have been able to do in that " time, what might now take him two months." After this, this Deponent went home, frequently ſending to know how his Lord-ſhip did, and ſometimes calling in perſon. In about a fortnight Mr. Paſley admitted this Deponent to ſee his Lordſhip, who was ſtill in bed, appeared very feeble, but converſed with this Deponent on different ſubjects, and ſpoke jocularly of his diſorder. In about a fortnight his Lordſhip, being much recovered, aſked this Deponent to dine at Mr. Monckton's, when he appeared feeble, yet eaſy in every reſpect. Shortly after, this Deponent again dined at Major Horne's, when his Lordſhip retired as ſoon as dinner was brought, ſeemingly much indiſpoſed. Some time after, this Deponent (con-ſtantly ſending to know how his Lordſhip did) received a meſſage from Major Horne, That his Lordſhip continued very ill, and doubted much of his recovery. This Deponent communicating this report to Mr. Stratton, who was then at dinner with him, Mr. Stratton propoſed his Lordſhip's removal from the Mount to the Company's Garden, for the benefit of change of air, and to avoid the approaching land-winds; for which purpoſe he carried Mr. Sullivan the ſecretary into the veranda, and ordered him to write immediately to Dr. Paſley, and to Major Horne, that if Dr. Paſley thought it neceſſary, they ſhould propoſe it to his Lordſhip. This was on a Saturday, and this Deponent underſtood that Dr. Paſley made the propoſal the next morning, and, upon his Lord-ſhip's aſking if it would be proper, conſented. This Deponent un-derſtands that Mr. Paſley further propoſed to Mr. Stratton, that his Lordſhip ſhould be removed without a guard, which Mr. Stratton agreed to, and his Lordſhip was accordingly removed the next

 morning,

morning, as this Deponent underſtood, without being any longer under charge of Mr. Horne. This was on the Monday, and when the Council met, this was diſapproved, and Major Horne was again deſired to reaſſume his charge, which he did, by the Sepoy guard at the gate being put under his command. To prevent noiſe and diſturbance, and on application from Mr. Monckton, the morning and evening guns, and all ſalutes, were prevented on board and aſhore, till Sunday morning, the 11th of May, when this Deponent was informed of his Lordſhip's deceaſe, and then ordered the minute guns on float to be fired.

This Deponent was ſummoned upon the Inqueſt on the 20th of May, and deſired to acquaint the Coroner, what time he propoſed to be there; to which he replied, Next morning. Previous to this Deponent's examination, he thought it neceſſary, to ſay to the Gentlemen of the Inqueſt, as follows: "Though I have been addreſſed from both ſides, I never have taken upon me to judge on the legality of the preſent government. The only part I thought my duty was, that of giving the aſſiſtance of his Majeſty's ſquadron under my command, where I found the power of carrying on the Company's ſervice for the public good, agreeable to my inſtructions. On the ſame principle, I do not take upon me to judge of the legality of the Inqueſt now ſitting. I am nevertheleſs willing and ready to give you, Gentlemen, any Information on the points you deſire, of what may have come to my knowledge, and conſiſtent with the ſtation I am in."

Being put upon my oath.

"Gentlemen, after what I have ſaid, I ſhould ſuppoſe the information on my word would be ſufficient, yet that I may be of no impediment to your inquiry, and the Coroner informing me it is indiſpenſible, I ſhall not object to your ſwearing me upon this occaſion." After which this Deponent was accordingly examined.

Queſtions from the Clerk of the Peace.

Whether, when this Deponent ſaw Lord Pigot, after the attempt he was informed had been made to remove his Lordſhip from the Mount (ſhortly after his confinement), this Deponent obſerved his Lordſhip to be hoarſe?

Anſwer. His Lordſhip ſeemed to be much agitated, but this Deponent does not recollect his being hoarſe.

Queſtion. Whether this Deponent at any time obſerved a guard of Nabob's horſe about the houſe, where Lord Pigot was confined?

Anſwer. This Deponent has ſeen a party of the Nabob's horſe, ſomewhere between the houſe where his Lordſhip was confined and Mr. Monckton's houſe.

Queſtion. Whether, when this Deponent ſaw his Lordſhip at the Mount, he was always attended by an officer ſaſhed and an orderly artillery-man?

Anſwer. This Deponent always ſaw an officer ſaſhed, but this Deponent did not obſerve an artillery-man.

Queſtion. Whether this Deponent ſaw an order ſigned by the Gentlemen in the late adminiſtration, to the following purport, "That if an attempt was made to reſcue Lord Pigot, his life muſt "anſwer for it?"

Anſwer. This Deponent did ſee ſuch an order.

Queſtion from the Court.

Whether this Deponent has heard of the verdict of the Inqueſt, and of the perſons charged thereon?

Anſwer. This Deponent has heard that the verdict was wilful murder againſt the Gentlemen in the late adminiſtration.

Mr. Bromley, as Solicitor for thoſe Gentlemen, deſires to put the following queſtions.

Queſtion. When this Deponent ſaw his Lordſhip the next morning after his arreſt, whether his Lordſhip appeared irritated, or in fear, or how was he agitated; or did he appear as uſual when in the Fort?

Anſwer. Quite as uſual, till the attempt to move him.

Question. Did his Lordſhip make any complaint of the reception from Major Horne ?

Anſwer. No, there ſeemed to be the greateſt civility between them.

Queſtion. You ſaw his Lordſhip after the attempt to remove him from the Mount; did he appear agitated by fear, or irritated, appearing to be in a paſſion, or otherwiſe ?

Anſwer. Much agitated, much diſpleaſed.

Queſtion. How ſoon after did his Lordſhip recover his uſual ſpirits ?

Anſwer. He ſeemed to be quieter in his mind in three or four days, during which time this Deponent did not leave him.

Queſtion. Did he appear tranquil, calm, cool, and diſpaſſionate ?

Anſwer. Yes.

Queſtion. How long time did he continue to be ſo, to the beſt of this Deponent's knowledge and remembrance ?

Anſwer. To the time of this Deponent's departure to Trincomallee, which was the 15th of *October.*

Queſtion. From the firſt day you ſaw his Lordſhip at the Mount, to the day of your departure for Trincomallee, did you ever hear his Lordſhip complain of any violence from Major Horne or any of his family towards his Lordſhip, or any diſreſpect from the day of his arreſt to your departure for Trincomallee ?

Anſwer. No.

Queſtion. At the ſeveral times you ſaw his Lordſhip at the Mount, tell the nature of the reſtraint under which you ſaw Lord Pigot, with its circumſtances ?

Anſwer. Attended by an officer, otherwiſe at liberty, in the gardens and about the Mount.

Queſtion.

Question. Have you not heard that his Lordſhip went on parties of pleaſure from the Mount?

Anſwer. No, I never heard but once, when his Lordſhip I heard intended going to the Cave in a chariot with Major Horne.

Queſtion. From the day of your arrival from Trincomallee to the day when his Lordſhip was removed from the Mount, did his Lordſhip complain of any want of reſpect or attention from Major Horne and his family, or from any of the officers doing duty at the Mount, or was he in want of any aſſiſtance that he required?

Anſwer. Not to me, or to any perſon to my knowledge.

Queſtion. Do you remember in what manner his Lordſhip amuſed himſelf at the Mount?

Anſwer. It ſeemed to me by giving directions in the garden, walking, reading, writing, playing billiards, &c.

Queſtion. At what hour of the day have you ſeen him in the garden?

Anſwer. In the morning, generally towards noon, when I was at the Mount, which was generally once and ſometimes twice a week.

Queſtion. Was you with his Lordſhip in any of his walks?

Anſwer. Yes, often.

Queſtion. Did you ever leave his Lordſhip, and for what cauſe or apprehenſion?

Anſwer. I left him two or three times becauſe it was very warm.

Queſtion. His Lordſhip being ill at the Mount, by whoſe order was his family refuſed admittance?

Anſwer. I do not know of any ſuch thing.

Queſtion. Do you remember the number of the Nabob's horſe that were at the Mount?

Anſwer.

Anſwer. I think there were twenty the firſt day, after which there appeared ſometimes more or leſs.

Queſtion. What reaſon was aſſigned for their being placed there?

Anſwer. Upon my Lord's complaining to me of the circumſtance, and my repreſentation to the Gentlemen in the Fort, their anſwer was, That they had been placed there at firſt to carry meſſages, and were immediately removed.

Queſtions from the Court.

Whether, after Lord Pigot's firſt illneſs this Deponent has not heard, that his Lordſhip was directed by Dr. Paſley to take ſome remedies for the liver, and whether Mr. Paſley did not inform his Lordſhip that his diſorder originated in his liver; and whether his Lordſhip did not refuſe or neglect the remedies propoſed?

Anſwer. I cannot anſwer to that, as I never heard it before his Lordſhip's death, though I have ſince.

Queſtion. Did his Lordſhip during his confinement expoſe himſelf to the ſun, heat, or cold, in ſuch manner as to endanger his health?

Anſwer. In my conſcience I really think he did.

Queſtion. Do you imagine that the diſorder of which Lord Pigot died was occaſioned by his impriſonment, or do you rather imagine it came on naturally, or was produced by his own imprudence?

Anſwer. His Lordſhip's time of life conſidered, and the frequency of his Lordſhip's ſtanding in the ſun (which I am informed his Lordſhip did, and have been told is much more prejudicial and likely to produce bile than moving in the ſun), was, in my opinion, moſt probably the cauſe of his Lordſhip's death.

Before this Deponent cloſeth his evidence, he deſires it may be minuted, that on mentioning to Mr. Stratton his Lordſhip's doubts of being ſent home, Mr. Stratton told this Deponent, that his note to Major Horne, carefully attended to, muſt, in every reſpect, ſatisfy

tisfy his Lordship; and declared further to this Deponent, he would resign the chair, rather than consent to such a measure.

(Signed) EDW. HUGHES.

Sworn the 2d day of October, 1777, in the seventeenth year of the reign of our Sovereign Lord George, King of Great Britain, &c. before us,

JOHN WHITEHILL,
ANTH. SADLIER,
QU. CRAUFURD.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

The INFORMATION *of Mr.* Edward L'Epine, *Secretary to Commodore Sir* Edward Hughes, *Commander in Chief of his Majesty's Squadron, taken upon Oath before* John Whitehill, *Esq. Chief Justice,* Anthony Sadlier, *and* Quintin Craufurd, *Esqrs. Justices of his Majesty's Court of Oyer and Terminer, and Gaol Delivery for the said Town, on the Application of* George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, *and* James Stuart, *by their Solicitor Mr.* Charles Bromley.

THIS Informant, on his oath, saith, That on or about the 25th of August, 1776, the day after the seizure of Lord Pigot, Sir Edward Hughes thought proper to wait on Lord Pigot at the Mount, whom he knew the day before had been Governor. This Informant accompanied Sir Edward Hughes to the Mount by his orders. They found Lord Pigot walking in the veranda of Major Horne's house at the Mount, in company with some gentlemen and officers. There was a guard at the gate, and centries in the inside of the gate. Sir Edward Hughes had a good deal of conversation with his Lordship, who walked about the house at his pleasure. The Commodore returned to his house at St. Thomè. A day or two after Mr. Dalrymple and, he believes, Mr. Russel, came to the Commodore's house in the night. Hearing several persons, this Informant went into the room. He found that they had brought a paper signed by those Gentlemen of Council who had sided with Lord Pigot, and, to the best of his remembrance, by Mr. Monckton. This paper set forth, that an attempt had been made to remove Lord Pigot from the Mount by Lieutenant-colonel Eidingtoun that night, but that his Lordship had at length prevailed on Lieutenant-colonel Eidingtoun to desist. Those Gentlemen applied to Sir Edward Hughes to interpose that his Lordship should not be removed without his consent.

 The

The Commodore, upon this, dreffed himfelf, and went immediately to the Fort. This Informant accompanied him. They arrived at the Fort before the gates were open. Whilft waiting at the gate, Lieutenant-colonel Eidingtoun arrived. The Commodore went directly to the Fort-houfe as foon as the gates were open. This Informant accompanied him. Colonel James Stuart arrived at the Fort-houfe about the fame time. The Commodore had a converfation with Colonel James Stuart and Mr. George Stratton. This Informant was not prefent during the whole converfation, but he underftood from the Commodore that the refult was, that a ftop fhould be put to the removal of Lord Pigot from the Mount for that time. The Commodore then went to the Mount. This Informant accompanied him. He found Lord Pigot in the veranda of Major Horne's houfe, very much agitated at what had paffed the preceding night, and giving a narrative of it to the gentlemen that were prefent. Among other things he faid, that he had requefted (if he was to be moved) either to have fafe-conduct to the Commodore's fhip, or to his own Fort (thefe were his words); he added, "That he would try "fome one (this Informant does not recollect who it was) by a "Court Martial." (He fpoke in a very ftrong manner, and different from what this Informant ever heard him fpeak before) He faid, "And if you are found guilty I will hang you, by God." This Informant found that it was agreed that the Commodore fhould claim Lord Pigot's perfon in the name of his Majefty. A letter was written to this effect, which this Informant carried into the Fort. He arrived there about one o'clock, and went to the Admiralty, where he found the Gentlemen (who had the adminiftration of affairs) were. He delivered the letter to Mr. Stratton, who took Colonel James Stuart afide. The refult was, that they told this Informant that an immediate anfwer could not be given to that letter, but that Sir Edward Hughes might be affured, that no further attempt fhould be made to remove his Lordfhip without Sir Edward Hughes being firft made acquainted with it. This Informant carried back this anfwer, and the Commodore was prevailed upon by fome of Lord Pigot's family to fleep at Major Horne's that and the next night. This Informant alfo flept there that and the next night, when, finding no reafons to apprehend that any further attempt would be made to remove his Lordfhip, Sir Edward Hughes returned to his houfe at St. Thomè. Several letters paffed between Sir Edward Hughes and the Gentlemen in the Fort, the refult of which was, that the Gentlemen in the Fort could not give up Lord Pigot's perfon to Sir Edward Hughes, unlefs Sir Edward Hughes

 could

could give them ſecurity for the peace of the Carnatic; but this Informant underſtood that the Gentlemen in the Fort remained under the ſame obligation not to remove Lord Pigot without the Commodore's knowledge. This Informant was frequently at the Mount after this with Sir Edward Hughes; and after Sir Edward Hughes went away, Lord Pigot appeared to this Informant to be as uſual. There was an officer on guard always with him, but he appeared to have liberty to go wherever he pleaſed. It appeared to this Informant, that Major Horne and his family paid great attention to his Lordſhip.

Queſtions by the Clerk of the Peace.

Whether this Informant knows any thing of an attempt to ſend Lord Pigot by force to England on board any ſhip?

Anſwer. He has heard ſuch report during the Commodore's abſence.

Queſtion. Whether this Informant was preſent at an entertainment given by Mr. Monckton on the 6th of January 1777?

Anſwer. He thinks he was there.

Queſtion. Whether this Informant knows of any letter addreſſed to the Secretary, touching a deſign to tranſport his Lordſhip to England on board the Lioneſs?

Anſwer. This Informant did ſee a paper, ſigned by a number of gentlemen, relative to ſuch a deſign.

Queſtion. Did this Informant receive any letter from Lord Pigot's friends in relation to ſuch a deſign?

Anſwer. He does not at preſent recollect any ſuch letter.

Queſtion. Does this Informant know, or has he heard, that the Nabob interfered on this occaſion?

Anſwer. Mr. Macpherſon told this Informant, that the Nabob had ſaid, that if ſuch an attempt was made, he (the Nabob) would quit the place. This Informant underſtood that Mr. Macpherſon was in the Nabob's confidence. This Informant has alſo heard it

reported, that Umeer Ull Omrah, ſecond ſon to the Nabob, conveyed his father's ſentiments on this head to the Gentlemen in the Adminiſtration, who (as this Informant has heard) did thereupon deſiſt.

Queſtion. Whether this Informant, in his viſits to the Mount, made any obſervations on Lord Pigot's health ?

Anſwer. Lord Pigot appeared to be much the ſame as to his deportment. This Deponent doth not recollect that Lord Pigot ever ſpoke to him on buſineſs during the Commodore's abſence.

Queſtion. Doth this Informant recollect having heard any thing of a converſation between Mr. Monckton and Sir Edward Hughes, relative to Lord Pigot's being recommitted to a guard, after his removal to the Company's Garden-houſe ?

Anſwer. This Informant has heard the Commodore ſpeak of ſuch a converſation, and he thinks he heard Mr. Monckton ſay to the Commodore, at the Garden-houſe, that Lord Pigot was not in a condition to be made acquainted whether there was a guard, or no.

Queſtion. Whether this Informant knows any thing of a converſation that paſſed between Sir Edward Hughes and Mr. Stratton, wherein the latter expreſſed a deſire to attend the funeral of Lord Pigot ?

Anſwer. This Informant has heard from Sir Edward Hughes that Mr. Stratton expreſſed great ſorrow on occaſion of the death of Lord Pigot, and ſaid, he wiſhed the Commodore could ſo ſettle it, that he (Mr. Stratton) might, with propriety, attend the funeral, either as chief mourner, or in any other way.

Queſtion. If this Informant knows whether this converſation between Mr. Stratton and Sir Edward Hughes paſſed before or after Lord Pigot's death ?

Anſwer. This Informant doth not perfectly recollect, but he believes it was after Lord Pigot's death.

Queſtion. Whether this Informant has not reaſon to think that Sir Edward Hughes knew of the intended ſeizure of the fort before it happened?

Anſwer. This Informant has not.

Queſtions by the Solicitor for the Priſoners.

Whether, during the time of this Informant's viſiting Lord Pigot at the Mount, he obſerved any incivility or diſreſpect on the part of Major Horne and his family, or any of the officers doing duty at the Mount?

Anſwer. On the contrary, he obſerved the utmoſt politeneſs and attention paid to his Lordſhip by Major Horne and his family, and the officers likewiſe.

Queſtion. Did this Informant ever hear Lord Pigot make any complaint of Major Horne and his family?

Anſwer. He never did. He has heard Major Horne aſſure Sir Edward Hughes that his Lordſhip ſhould be treated with every mark of reſpect and attention due to his Lordſhip's rank.

Queſtion. Does this Informant know of any military honour paid to Lord Pigot at the Mount?

Anſwer. He has heard that Lord Pigot had a guard turned out to him, and that the centinels uſed to reſt when Lord Pigot paſſed.

Queſtion. Does this Informant know in what manner Lord Pigot paſſed his time at the Mount?

Anſwer. This Informant has ſeen Lord Pigot in Major Horne's houſe, and walking in his garden. He remembers two or three times in particular, while this Informant has been attending the Commodore, and the Commodore has been in converſation with Lord Pigot, who kept off his hat; that the ſun was ſo hot as to oblige this Informant to go into the ſhade, although his Lordſhip appeared to be totally regardleſs of the heat of the ſun. This Informant has frequently heard the Commodore ſay, that he was afraid ſome bad conſequences would attend his Lordſhip's being ſo careleſs of himſelf, and he made uſe

uſe of the proverb, The pitcher never goes ſo often to the well, &c. This Informant was of the ſame opinion.

Queſtion. Does this Informant remember any one time that reports came to the Mount of black cavalry of the Nabob's coming to ſeize his Lordſhip, and by whom might the reports be made, and how did his Lordſhip receive them, and what did he ſay, and to whom, and what did ſuch report turn out to be?

Anſwer. This Informant was at the Mount two or three days after his Lordſhip was ſeized. There was an alarm at Major Horne's houſe that there was a large party of the Nabob's horſe on the plain coming towards the Mount, and every body ſeemed to be in confuſion on the occaſion. Major Horne ordered the ſoldiers to their arms, and ordered two field-pieces to be drawn out. Somebody took a glaſs, went to an eminence, and word came immediately that it was only a drove of buffaloes.

Queſtions by the Clerk of the Peace.

Whether this Informant did not ſee a party of the Nabob's cavalry uſually poſted by Major Horne's houſe?

Anſwer. He has ſeen about a dozen.

Queſtions by the Solicitor for the Priſoners.

Does this Informant know for what purpoſe thoſe cavalry were poſted?

Anſwer. Upon Lord Pigot's expreſſing his diſſatisfaction in a letter to Sir Edward Hughes, about the time of his departure for Trincomallee, this Informant underſtood that the Gentlemen in the adminiſtration aſſigned as a reaſon for the cavalry being poſted there, that they might be ſent on meſſages, but that they ſhould be immediately diſmiſſed, which was accordingly done. This Informant recollects that Lord Pigot, in his letter to the Commodore, ſays, that if horſe were neceſſary as a guard over him, whether it would not be m e proper that the Company's horſe ſhould be employed, and mentioning as a reaſon, that he had been uſed to exerciſe; and he ſays, in the ſame letter, that thank God he was in tolerable good health, conſidering his confinement, or ſomething to that purpoſe.

Question. Does this Informant imagine that the diſorder of which Lord Pigot died was occaſioned by his impriſonment, or do you imagine it came on naturally, or was produced by imprudence?

Anſwer. This Informant ſays that he cannot pretend to judge.

Queſtion. Whether, after Lord Pigot's firſt illneſs, this Informant has not heard that his Lordſhip was directed by Doctor Paſley to take ſome medicines for a diſorder in the liver, and whether he has not heard that Mr. Paſley did inform his Lordſhip that his diſorder originated in the liver, and whether he has not heard that his Lordſhip did refuſe, or neglect, to take the medicines propoſed?

Anſwer. This Informant only heard, in general terms, that his Lordſhip's diſorder was a bad bilious diſorder, neglected at firſt; Mr. Paſley having ſaid, in this Informant's hearing, "If I had been "ſent for two days ſooner it might have ſaved me two months "work."

Queſtion. Did his Lordſhip, during his confinement, expoſe himſelf to the ſun in ſuch manner as to endanger his health?

Anſwer. This Informant thinks he expoſed himſelf too much to the ſun.

Queſtion. Whether this Informant knows if Lord Pigot was accuſtomed to be much in the ſun, previous to his confinement?

Anſwer. This Informant hears that his Lordſhip was always accuſtomed to be much in the ſun.

(Signed) EDWARD L'EPINE.

Sworn the 4th day of October, in the ſeventeenth year of the reign of King George the Third, and in the year of our Lord 1777, before us,

JOHN WHITEHILL,
ANTH. SADLIER,
QU. CRAUFURD.

(A true Copy)

WM. SEDGLEY, Clerk of Peace.

(On theſe examinations being taken, the priſoners were admitted to bail.)

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and Generol Gaol Delivery for the Town of Madraspatnam and its Districts.

Honourable Sir, and Sirs,

THE disagreeable situation in which we find ourselves placed induces us again to addresſs you on the subject which gave rise thereto.

At the meeting of the late Quarter Sessions of Oyer and Terminer and Gaol Delivery, holden on Tuesday the 30th day of September, we presented, through our Council, a petition to the Honourable Bench in open Court, and we must now take the liberty to transmit to your Honour, &c. our exceptions at large, to the assembly held by the summons of George Andrew Ram, in quality of Coroner; and which assembly has, by him and other persons composing the same, been called a Coroner's Inquisition. These exceptions were prepared to be laid before the Court upon the opening of the present Sessions on the first instant, when we naturally expected to be brought to trial, anxious, as we professed ourselves to be, to have proven to the world our innocence, and the malevolence of the accusation brought against us, or to have met the punishment due by law to the horrid crime of wilful murder, if that charge had been supported; but the further process of this matter was adjourned to the 12th of November next.

Men, situated as we are, and conscious of no guilt, must ever feel embarrassed and uneasy whilst the smallest suspicions on our characters are unremoved; and therefore, though we do not arraign your justice, we cannot help exceedingly to lament the late adjournment of the Sessions.

We are given to understand, from common report, that two gentlemen who have given evidence to the assembly of the said George Andrew Ram (which, for ought we know, may be of great importance to the present cause, either as it may affect the evidence for the crown, or for us), have applied for leave to proceed in the ship Egmont for England, which, by the Company's order, is to be dispatched on or before the 15th of this month. The gentlemen we allude to, are Messrs. Russel and Stone; and we doubt not but your

Honour, &c. will readily perceive the injuries we may probably ſuſtain if this their application is complied with. Every undue advantage ſeems to have been taken of us; no ſummons iſſued to demand our attendance at this pretended Inquiſition; no opportunity afforded us to croſs-examine the witneſſes; queſtions dreſſed up to anſwer the purpoſe of party and perſecution; the inquiry made in a private houſe, at hours only known to Mr. Ram and his Jury, and ſometimes with the door ſhut: theſe are proceedings that, ſurely, are not warranted by law, yet happy ſhould we be could we ſtop here. Sorry are we to obſerve, that we have every reaſon to imagine, that, not content with ſtriking at our lives, our enemies have taken ſecret and unmanly ſteps to ruin our good fame. The verdict on this ſelf-denominated Inqueſt was cloſed the 7th day of Auguſt. Your Government was formed the 31ſt. Mr. Ram may have had reaſons for not returning it during our adminiſtration, but why did he not immediately after we ceaſed to be in power? Why not at the ſeſſions held the 10th of September? Why keep it unfairly back until the 24th of that month, two days after the departure of his Majeſty's ſloop the Swallow? Why keep until that day the Verdict ſecret from the world? By thoſe ungenerous and unprecedented means his friends have had above a month to prepare papers for a freſh perſecution in England; to ſend over copies of the informations and proceedings of this unconſtitutional aſſembly; to miſrepreſent facts, and to give an appearance of truth to falſe and pernicious arguments. While, on the other hand, we have been deprived of an opportunity of furniſhing our friends with proper materials to defeat the malice of our perſecutors, or lay our actions and characters before the Public in a fair and juſt light. Theſe are, ſurely, hardſhips, others ſhould not be heaped upon them. Mr. Ruſſel and Mr. Stone have been partly the cauſe of the illiberal charge againſt us. They ſhould, we humbly apprehend, be obliged to ſupport it in an humble legal manner, and not be allowed an indulgence, equally repugnant to the juſtice of the Court and conſtitutional liberties of England.

We likewiſe beg leave to obſerve, that though it might have been proper and agreeable to the principles of law and natural juſtice to ſubmit to neceſſity in the caſe of Commodore Sir Edward Hughes, and other gentlemen belonging to his Majeſty's ſquadron, who were to yield implicit obedience to orders, and whoſe written informations were on that account taken, yet we conceive the ſame neceſſity does not exiſt with regard to Meſſrs. Ruſſel and Stone, and it would be

 introducing

introducing a dangerous precedent to allow, in capital cafes, written evidence to be taken, where it can poffibly be avoided.

We requeft that this Addrefs, and the Exceptions accompanying it, may be made a Record of Court, in order that they may be laid before the Grand Jury.

We are, with refpect,

Honourable Sir, and Sirs,

Your moft obedient humble Servants,

Fort St. George,
7th of October, 1777.

GEO. STRATTON,
HENRY BROOKE,
JAMES STUART,
CHARLES FLOYER,
ARCHDALE PALMER,
FRANCIS JOURDAN,
GEO. MACKAY.

MR. CHARLES BROMLEY Solicitor for the Gentlemen accufed by the Inqueft then delivers the following Exceptions and Affidavit, which is read publickly.

To the Honourable John Whitehill, Esq. &c. Justices of Oyer and Terminer and General Gaol Delivery for the Town of Madràspatnam and its Districts.

The EXCEPTIONS *of* George Stratton, Henry Brooke, *Esqrs. Brigadier General* James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, *Esqrs. Lieutenant-colonel* Matthew Horne, *Captain* James Eidingtoun, *and Captain* Arthur Lysaght, *taken to an Inquest held by* George Andrew Ram, *on the Body of the late Lord* PIGOT.

First, BECAUSE, admitting the appointment of the said George Andrew Ram to have been lawful, as having been made agreeable to the custom of the Settlement, yet as he was some considerable time before the death of Lord Pigot appointed to a subordinate Factory, his office of Coroner, agreeable also to the custom of the Settlement, became vacant.

Secondly, Because the said George Andrew Ram himself was present at the Sessions where John Balfour was sworn into that office, and was so conscious of his own disqualifications, that he referred applications made to him in that capacity to the said John Balfour, the person appointed in his room, as appears by the affidavit of the said John Balfour, hereunto annexed.

Thirdly, Because the inexperience, insufficiencies, and known dependence of some of the Jurors, selected on this Inquest, in preference to others of the most respectable persons in the Settlement, who attended on the summons of the said George Andrew Ram, and whose names were placed by him after the twelve men first called over, rendered them improper persons to form a legal and impartial opinion on an affair of so serious a nature.

Fourthly, Because of the declared sentiments of several of those Jurors, and in particular of George Smith their Foreman, Andrew Ross, and Alexander Cuthbert.

Fifthly,

Fifthly, Becaufe this pretended Inqueft was held in the houfe of the faid George Smith, where the Public could have neither ingrefs nor egrefs without permiffion.

Sixthly, Becaufe the faid George Stratton, Henry Brooke, James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Matthew Horne, James Eidingtoun, and Arthur Lyfaght, were not fummoned on this Inqueft, and were thereby deprived of the benefit of a crofs-examination.

Seventhly, Becaufe there were no witneffes examined but on the part of the Crown.

Eighthly, Becaufe the witneffes for the Crown were unduly led in their examination, and fuffered to give hearfay and public report as matters of fact and certain knowledge.

Ninthly, Becaufe there appeared no external mark of violence upon the body of the faid Lord Pigot at the time of the infpection thereof by the faid pretended Jury, and becaufe there was fo little fufpicion of his Lordfhip's having died from the effects of poifon, that the faid pretended Jury declared there was no neceffity to open the fame, although one of the furgeons attended with his inftruments for that purpofe; and therefore ordered the body to be buried without further inquiry.

Tenthly, Becaufe the faid pretended Jury, immediately upon the faid infpection, found that the faid Lord Pigot died a natural death, and having thereby anfwered every purpofe for which Inquefts have been inftituted. fhould have immediately brought in their Verdict, and not have adjourned or proceeded further.

Eleventhly, Becaufe the uncertain and conjectural opinions in anfwer to metaphyfical queftions put to the furgeons, examined on this pretended Inqueft, concerning the operations of the mind in general upon the body, were received as certain and pofitive evidence, and by them applied to the cafe of Lord Pigot.

Twelfthly, Becaufe the meetings of this pretended Jury were held at different times, and at diftant periods, and therefore the perfons compofing it liable to be biaffed in their opinions by intermediate occurrences and intercourfe with prejudiced and partial men.

Thirteenthly, Becaufe the Jury took upon them to determine points of law, although their authority (had it been lawful) only extended to inquire into matters of fact.

Fourteenthly, Becaufe the Jury were unduly influenced by the faid George Andrew Ram, and led to give feveral verdicts under the name of Queftions.

Fifteenthly, Becaufe the Jury, though confifting but of Twelve, determined by a majority of votes.

Sixteenthly, Becaufe this pretended Inqueft was illegally kept back, the faid George Andrew Ram having paft over one entire Seffion, namely, that held on the 10th of September laft, before he delivered the fame.

Wherefore the faid George Stratton, Henry Brooke, James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, Matthew Horne, James Eidingtoun, and Arthur Lyfaght, do except to the faid pretended Inqueft, and every act and proceeding thereon, as being partial and unfair, and contrary to the known and eftablifhed laws of England; and they do therefore humbly pray, that the fame may be quafhed; and that the Clerk of the Crown may be directed to furnifh them with a Record or Certificate in due form of law of the Verdict and other proceedings on the faid pretended Inqueft, and of the Reafons of the Honourable Court for quafhing the fame, fhould it be deemed proper fo to do.

(Signed) Charles Bromley, Solicitor.

(A true Copy)

By Order of Court.

Wm. Sedgley, Clerk of Peace.

Town of MADRASPATNAM.

JOHN BALFOUR, of Madras aforefaid, Gentleman, came this day before me one of his Majefty's Juftices of the Peace for this fame, and made oath, on the Holy Evangelifts, That in the latter end of the month of December 1776, he (this Deponent) together with Mr. George Andrew Ram, of Madras aforefaid, and feveral other Gentlemen, were in company together at St. Thomas's Mount, when a letter was delivered to the faid Mr. Ram, and which was directed to him, the faid Mr. Ram, as Coroner; and this Deponent faith, that the faid Mr. Ram, immediately upon reading the fuperfcription of the faid letter, and as this Deponent verily believes, without opening it, handed it forward to this Deponent, declaring at the fame time fo loud as to be heard diftinctly by this Deponent, and, as he believes, by others then prefent, "*That this was bufinefs* "*for him (this Deponent)*:" and this Deponent further faith, that he is of opinion, the faid Mr. Ram would not have caufed the fame to be delivered to this Deponent, in manner aforefaid, had he not believed that he (Mr. Ram) had then no authority to act in the capacity of Coroner: that the letter delivered, as aforefaid, by Mr. Ram to this Deponent was from Mr. Sydenham, Town Major, informing him that the body of a man lay dead in a ftreet in the Black Town; that this Deponent came from the Mount to the Black Town, where he held an Inqueft on the body: that this Inqueft was the fecond, if not the firft, which this Deponent had held after having been appointed by the Governor and Council, and fworn in at the Seffions to the office of Coroner for the town of Madrafpatnam, and diftricts thereof.

(Signed) J. BALFOUR.

Sworn to before me (Signed) CHARLES SMITH, one of his Majefty's Juftices of the Peace.

Attefted to be a true Copy by me

(Signed) CHARLES BROMLEY, Not. Public.

(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

[*Captain* Marlow *of his Majesty's Ship* Coventry, *being under sailing Orders for* Bombay, *is called upon by the Justices and examined.*]

Town of MADRASPATNAM. *ss.*

The INFORMATION *of* Benjamin Marlow, *Esq; Commander of his Majesty's Ship* Coventry, *taken upon Oath before* John Whitehill, *Esq; Chief Justice,* Samuel Johnson *and* Peter Perring, *Justices of* Oyer *and* Terminer *and Gaol Delivery for the Town aforesaid.*

THIS Informant saith, That about the 17th of January in the present year of our Lord 1777, he arrived at Madras, in his Majesty's Ship Coventry, and soon after was introduced by Sir Edward Hughes, at the Mount, to George Lord Pigot, and found his Lordship, in this Informant's opinion, in good health, lively, and full of spirits, as could be expected from one of his Lordship's age and under restraint.—This Informant saith, That he visited his Lordship frequently, in company with Sir Edward Hughes, and generally found him the same until his first illness, which this Informant was told by Sir Edward Hughes (which he had from Dr. Pasley), that his disease was a complaint in the liver and putrid bile, and that Mr. Pasley had declared to Sir Edward Hughes, that had he been acquainted two or three days sooner, it would have saved what would take him up as many months.—This Informant further says, That some time after he went in company with Sir Edward Hughes to visit his Lordship, on his being told he was something better, but to this informant's opinion, his Lordship appeared a good deal out of order; notwithstanding this his Lordship went out into the garden at the back of the house, to see the walks cleared and watered with an hand engine, which this Informant then thought was imprudent in his Lordship's then situation.—This Informant does not remember to have visited Lord Pigot again, until his Lordship's second attack, at which visit he found his Lordship to appearance much altered for the worse, seemingly very weak and low; and to the best of this Informant's remembrance, the last time he saw his Lordship, was at the house of Colonel Matthew Horne, and at the approach of the dinner his Lordship got up from the sopha, and took his leave of Sir Edward Hughes and the company, and of this Informant, taking both his hands, and saying, "My friend, Marlow, I wish you well." This Informant took his leave of his Lordship, as being of opinion

he ſhould never ſee his Lordſhip more, of which he told Sir Edward Hughes and the company preſent.

Queſtion. Whether Lord Pigot expoſed himſelf much to the ſun when this Informant ſaw him?

Anſwer. This Informant ſays, that during the ſeveral times he viſited Lord Pigot at the Mount, many of which were from eleven o'clock till dinner time, he has often walked in the heat of the ſun from Mr. Monckton's houſe to the Mount, and ſometimes in the garden backwards and forwards from houſe to houſe.

Queſtion. Do you remember any particular time of your being in the garden, or elſewhere with his Lordſhip in the heat of the ſun; and do you remember any obſervations you made thereon?

Anſwer. Yes, one time in particular, his Lordſhip had got ſome trees either to ſet or tranſplant, when Sir Edward Hughes with this Informant attended him in the garden in the heat of the day, between twelve and two o'clock. This Informant ſays, that he was very unhappy within himſelf from the heat of the ſun, although both Sir Edward Hughes and himſelf can bear the ſun very well, being uſed to it; turning about found Sir Edward Hughes had gone into the houſe, upon ſeeing of which this Informant was very happy, and followed Sir Edward Hughes, leaving his Lordſhip in the garden with the gardeners.

Queſtion. Whether this Informant ſaw any diſreſpect ſhewn his Lordſhip at the Mount?

Anſwer. This Informant ſays, that he never ſaw any diſreſpect ſhewed to his Lordſhip by Colonel Horne or any of his family, or from the officers doing duty; but on the contrary, every perſon endeavoured to ſhew every civility, and watched every opportunity in obeying his Lordſhip, and that his Lordſhip appeared ſatisfied therewith, as this Informant could ſee or underſtand.

Queſtion. From the Clerk of the Peace. Whether when this Informant ſaw Lord Pigot at the Mount, he was attended by an Officer ſaſhed, and an artillery man?

Anſwer. He was generally attended by an Officer, but this Informant does not remember to have ſeen an artillery man.

(Signed) BENJAMIN MARLOW.

Sworn this 10th day of October 1777, before us. (Signed) JOHN WHITEHILL.

A true Copy.

WM. SEDGLEY, Clerk of the Peace.

Town of MADRASPATNAM. *ʃʃ.*

The INFORMATION *of Mr.* William Mallett *Surgeon, taken on Oath before* Charles Smith, *Eʃq*; Samuel Johnʃon *and* Peter Perring, *Eʃqrs*; *his Majeʃty's Juʃtices of Oyer and Terminer for the Town aforeʃaid, at the Requeʃt of Mr.* Bromley, *Solicitor for Meʃʃrs.* Stratton, *&c.*

THIS Informant, upon his oath, ſaith, That he knew Lord Pigot from the beginning of his confinement the 24th of Auguſt 1777, and that he was preſent upon his Lordſhip's arrival at the Mount, on the night when he was delivered by Captain Lyſaght into the cuſtody of Major Horne.

I had an opportunity, while his Lordſhip reſided at the Mount, of viſiting him for the moſt part daily. After the firſt few days of his Lordſhip's confinement he aſſumed a cheerful aſpect, viſiting his family reſiding at General Lawrence's houſe, and employed himſelf chiefly in the garden of that houſe. I never knew any limits or reſtraint to which his Lordſhip was ſubjected in point of taking ſuch ſalutary exerciſe as might be deemed conducive to health; on the contrary, imagine, had his Lordſhip kept himſelf more out of the exceſſive heats of the weather, the reſult of his illneſs might not have taken that dangerous tendency it did. From the 24th Auguſt, till March following, he enjoyed uninterrupted good health; returning from his uſual amuſements (the 6th), he complained of a chillneſs and ſick ſtomach, for which he applied for a doſe of phyſic, and took it that night at bed-time. The next morning, viſiting his Lordſhip, he complained of its not having the deſired effect, and requeſted another, which anſwered the intention. That evening, complained much of ſickneſs, heat, &c. for which he took ſome tartar-emetic mixture, and voided a quantity of bile, and other indigeſted materials. The 8th, complaints much the ſame as preceeding day,

day, Mr. Pasley's advice was thought necessary, and came that day by desire of Major Horne, and Mr. Monckton. A continuance of the tartar-emetic mixture was thought necessary, which he took with a good effect. The 9th, took a dose of Physic, consisting of *Sal Rochelle, mannacrum, T. & tamarends,* from Mr. Pasley. The 10th, began a course of alteratives, which he benefited by much. Mr. Pasley continued his visits daily till after the 20th, by whose prescriptions his Lordship found such service, as to be able to take his usual exercise. The weather then being very hot, and change of season at hand, it was requested that his Lordship would not too early expose himself to sudden heats and colds, lest it might retard his gaining strength. This, however, availed but little, for he continued going from the house to the garden among the work-people, frequently employing himself, and when heated, returning again to it, which kept up such an irregular succession of heat and cold, which, to a person in the soundest health, could not fail but of being very pernicious. Soon after this he was again seized with a bilious vomiting, dry skin, and all the symptoms of a confirmed bilious fever; Mr. Pasley was again sent for, who continued his visits daily till the removal of his Lordship, on account of the periodic winds, to the Company's Garden-house. I there visited his Lordship from the Mount generally daily, and was with him the day he expired, May 11th, 1777.

Questions from the Clerk of the Peace.

Were you acquainted with Lord Pigot's manner of life before his confinement?

Answer. No.

Question. Do you know whether Lord Pigot exposed himself to the sun more after his confinement at the Mount, than he was before that period used to do.

Answer. I do not know.

Questions from the Solicitor for Messrs. Stratton, &c.

Do you remember the salutation that Lord Pigot gave Major Horne upon his first arrival at the Mount?

Answer. I do. The words, "*My dear Major,*" or, "*My dear* "*Horne, how do you do?*"

Question.

Queſtion. Do you remember the converſation that paſſed between Captain Lyſaght and Major Horne, upon the former delivering Lord Pigot into Major Horne's charge?

Anſwer. No further than that upon Captain Lyſaght's delivering a paper, ſaying, "*Do you abide by theſe orders.*" Major Horne anſwered, "*I do, as the orders of my commanding officer.*"

Queſtion. Do you remember Lord Pigot's aſking for pen, ink, and paper, and was it granted him by Major Horne, on the firſt night of Lord Pigot's arrival at the Mount?

Anſwer. Yes; and it being granted him, Lord Pigot wrote to his daughter, and deſired Captain Lyſaght to take care of the letter.

Queſtion. Did you live at the Mount during the whole time of Lord Pigot's confinement?

Anſwer. Yes.

Queſtion. Have you not frequently ſeen his Lordſhip in moſt of the different houſes and gardens at the Mount, and alſo walking at the top of the Mount.

Anſwer. Generally ſo.

Queſtion. As you were often at Major Horne's houſe during Lord Pigot's confinement, relate the manner in which his Lordſhip was treated by Major Horne and his family, and the officers doing duty at the Mount?

Anſwer. To make his Lordſhip's ſituation as agreeable as poſſible, became the joint concern of Major Horne and his family, and by the officers he was treated with the greateſt reſpect.

Queſtion. Have you not obſerved, or do you not know, that his Lordſhip has frequently been angry at Mr. Monckton's houſe, from the various reports and rumours brought to him by Mr. Monckton and his friends?

Anſwer. I have ſeen his Lordſhip return from Mr. Monckton's diſpleaſed, but from what cauſe I do not know.

Queſtion.

Question. Was it not frequently the converſation at Mr. Stone's and Mr. Monckton's tables, the threatening to hang every man concerned in the removing Lord Pigot from his governtment, and calling Mr. Stratton, &c. villains, traitors, raſcals, and ſcoundrels?

Anſwer. The former, but too frequent; the latter (*viz.* calling them by opprobrious names), I have alſo heard, but not generally.

Queſtion. Have not you ſeen Meſſrs. Ram, Farquhar, and Parſons at Mr. Monckton's or Mr. Stone's tables when theſe converſations paſſed?

Anſwer. I do not particularly recollect.

Queſtion. Have you ſeen theſe three above-mentioned Gentlemen at other times, at Mr. Stone's or Mr. Monckton's tables, as alſo Mr. George Smith, Mr. Andrew Roſs, and Mr. Alexander Cuthbert?

Anſwer. All theſe Gentlemen I have ſeen at the above tables.

Queſtion. Do you remember all or any of theſe Gentlemen violent in their expreſſions againſt Meſſrs. Stratton, &c. Gentlemen in the late adminiſtration?

Anſwer. I have heard Mr. Stone, Mr. Monckton, and Mr. Ram, at times expreſs themſelves violently, but with the other Gentlemen I ſeldom held any converſation.

Queſtion. Do you recollect any particular expreſſions made uſe of by either of theſe Gentlemen?

Anſwer. No farther than what I have already related.

Queſtion. Relate at what particular hours in the day you have ſeen Lord Pigot exerciſing himſelf in the gardens?

Anſwer. At all hours of the day, and ſometimes very late in the evening.

Queſtion. Do you remember to have heard any of the officers that attended Lord Pigot complain of the exceſſive heat of the ſun?

Anſwer. Yes, fatiguingly ſo, when attending him in their tour of duty.

Queſtion. Do you remember dining with Lord Pigot at Mr. Monckton's the Sunday before his Lordſhip was taken ill ?

Anſwer. I do.

Queſtion. Do you remember what he eat on that day, and the remarks you made thereon, and to whom did you make theſe remarks ?

Anſwer. I remarked to Major Horne his Lordſhip having made an unuſual meal of turtle, and that I was apprehenſive (from its being food of ſo groſs a nature) that his Lordſhip might feel the ill conſequences of it.

Queſtion. Do you remember Lord Pigot's abſenting himſelf from a ball given by Mr. Monckton on the twelfth night, and did he not prefer ſtaying at Major Horne's as a place of greater ſecurity for his perſon; and did not his Lordſhip always confide in Major Horne as the perſon in whom he repoſed his perſonal ſecurity, and whether his Lordſhip did not appear contented in remaining with Major Horne ?

Anſwer. I remember his Lordſhip's ſtaying from the ball, but to the reſt of the above queſtion I cannot anſwer, as I do not know from what motive he ſtaid away.

Queſtion. Might not Lord Pigot in your opinion, have been equally liable to an attack of the diſeaſe which he had at the Mount, had he been in full poſſeſſion of his liberty ?

Anſwer. I do think he might.

Queſtion. Have you ever heard, that ſoon after Lord Pigot's reſidence at the Mount, there were frequent accounts brought and ſent him by thoſe who were ſuppoſed his friends, of troops in motion to remove him and other alarms; and might not ſuch frequent alarms affect his health ?

Anſwer.

Anſwer. Theſe things I have heard, but as to their effects I cannot anſwer.

Queſtion. You no doubt have heard of a letter written by the Supreme Council to Lord Pigot reſpecting his conduct whilſt in this government?

Anſwer. I have heard of one letter, which I have read.

Queſtion. Are you not of opinion, that as the Supreme Council had ſo decidedly condemned his Lordſhip's conduct, he might be apprehenſive that the Company in England might do the ſame, and that ſuch apprehenſions might prey upon his mind, and produce more diſagreeable effects than any treatment his Lordſhip met with from the Gentlemen of the late adminiſtration?

Anſwer. The body-politic being of ſo abſtruſe a nature, I cannot pretend to form any judgment what good or evil might be derived from ſuch apprehenſions.

Queſtion. Did you ever hear or know that Lord Pigot was prevented from uſing any exerciſe he pleaſed at the Mount, ſuch as riding, &c.

Anſwer. I never knew any limits or reſtraint to which his Lordſhip was ſubjected on that head.

Queſtion. You have heard that Lord Pigot did once ride out at the Mount; do you know, or have you heard any reaſon aſſigned and by whom, why he did not repeat that exerciſe with the ſame party?

Anſwer. I remember Lord Pigot once going on a party to the Cave of Deſpair, but why he did not repeat thoſe excurſions I can aſſign no particular reaſon.

Queſtion. Did you not ride out to find a good chaiſe road to the ſea-ſide from the Mount, and to pitch upon ſome pleaſant ſpot to ſend tents to, in order to make a party with the ladies of Lord Pigot's family and Major Horne's, and was it not ſuppoſed Lord Pigot was to be of the party?

Anſwer. I recollect going in ſearch of ſuch a ſpot near Trivambore (about four or five miles from the Mount), in order to paſs a day or two, but really I do not recollect for whom it was particularly intended.

Queſtions from the Court.

Do you imagine that the diſorder of which Lord Pigot died was occaſioned by impriſonment, or do you rather imagine it came on naturally, or was produced by his own imprudence?

Anſwer. I do not impute his Lordſhip's diſeaſe to the effects of impriſonment, but I impute his relapſe a good deal to his own miſmanagement.

Queſtion. Have you not heard that after Lord Pigot's firſt illneſs, Mr. Paſley recommended medicines for the liver, which his Lordſhip either refuſed or neglected taking?

Anſwer. I do not know of this circumſtance.

(Signed) W. Mallett.

Sworn the 6th day of November, in the the ſeventeenth year of the reign of our Sovereign Lord George, King of Great-Britain, &c. before us,

Charles Smith.
Peter Perring.

(A true Copy)

Wm. Sedgley, Clerk of Peace.

WEDNESDAY the 12th of November, 1777.

At a COURT of SESSION.

JUSTICES PRESENT.

JOHN WHITEHILL, Esq; Chairman.
CHARLES SMITH and PETER PERRING, Esqrs;

Court opened. Sheriff returns his precepts.

Court adjourned to Wednesday the 19th of November.

(A true Copy)

By Order of Court.

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ſſ.*

The INFORMATION *of Mr.* Gilbert Paſley *Surgeon, taken upon Oath before Charles Smith and Peter Perring, Eſqrs. his Majeſty's Juſtices of the Peace, Juſtices of Oyer and Terminer, and Gaol Delivery for the Town aforeſaid, taken at the Requeſt of Mr.* Charles Bromley, *Solicitor for Meſſrs.* Stratton, &c.

Queſtions from the Clerk of the Peace.

DID you know Lord Pigot in his lifetime, and how long have you ſo known him?

Anſwer. I knew him both in his former and laſt government.

Queſtion. Did you ever attend Lord Pigot during any indiſpoſition?

Anſwer. I attended him during his indiſpoſition at the Mount.

Queſtion. Did you perceive his Lordſhip to be under any, and what, reſtraint at the Mount?

Anſwer. I knew his Lordſhip had been ſent to remain at the Mount under a guard, but he ſeemed to have leave to walk about, as I have often ſeen him at Mr. Monckton's, and at other houſes at the Mount.

Queſtion. You have mentioned that you attended Lord Pigot during his indiſpoſition at the Mount, relate what his diſeaſe was, its progreſs, and conſequences?

Anſwer. At the requeſt of the Gentlemen of the late Adminiſtration I drew out a ſtate of Lord Pigot's caſe, which I now deliver as an anſwer to the above queſtion (caſe delivered and ſworn to).

Questions from the Solicitor for Messrs. Stratton, &c.

Do you remember the apartments allotted for the use of Lord Pigot in Major Horne's house; if you do, particularize the same?

Answer. His apartments were a large bed-room, a closet, or lumber-room, and a passage between them, and he had the use of the hall, veranda, and any part of the house not occupied by Major Horne's family.

Question. Do you know how many persons were of Major Horne's family residing in the house?

Answer. The Major, his wife, and sister, besides the servants.

Question. Do you know, or have you heard, of any inconvenience arising to Major Horne from his Lordship's living in his house?

Answer. I saw none, nor have heard any expressed by Major Horne or family.

Question. Do you know, or have you heard, that Lord Pigot was restrained or limited to any particular distance from the house of Major Horne?

Answer. It was supposed he was confined to the Mount, but I have reason to believe, that if his Lordship would have condescended to ask for liberty, or even would have accepted it, from the Gentlemen in the late Government, he might have gone where he pleased, though, I believe, on one occasion only he went beyond the Mount in a chaise with Mrs. Horne.

Question. Was not his Lordship at liberty to use such exercise, and enjoy such pleasures as most suited him?

Answer. I believe he was not restricted from any.

Question. Do you know, or have you heard, at what particular hours of the day, or night, his Lordship used to walk out and amuse himself?

Answer. Generally, I believe, from breakfast till dinner time, and from five o'clock till supper.

Question. Do you know, or have you heard, what particular amuſements his Lordſhip generally employed himſelf in whilſt at the Mount, and if thoſe amuſements were confined to any particular houſe or place?

Anſwer. His Lordſhip, being of an active diſpoſition, was ſeldom unemployed, his uſual amuſement was working in the garden before noon, and I have heard that he employed himſelf in repairing tanks and houſes; but I believe his amuſements were not confined to any particular houſe or place.

Queſtion. Do you remember ſeeing his Lordſhip, at the time he might be employed in the garden, with any covering beſides his hat?

Anſwer. His Lordſhip generally had a ſervant attending with an umbrella, but whether he uſed it or not I cannot ſay, being ſeldom at the Mount when his Lordſhip was in health.

Queſtion. Do you know the preciſe time when his Lordſhip was taken ill at the Mount, and by whom were you acquainted of his indiſpoſition, who directed you to attend his Lordſhip, and how ſoon after ſuch direction did you attend him?

Anſwer. I do not recollect the day his Lordſhip fell ill, but it was ſometime in the beginning of March; Mr. Stratton was the firſt who acquainted me with his Lordſhip's illneſs, I told him that I doubted it, becauſe Mr. Ruſſel had been at my houſe and had left no meſſage regarding his Lordſhip's illneſs; however, as Mr. Stratton ſeemed convinced of it, and deſired me to go to the Mount, I went the next morning.

Queſtion. Did you make any, and what, report of his Lordſhip's diſorder, and to whom, and relate the obſervation you made thereon?

Anſwer. I reported by letter to Mr. Stratton the alarming ſituation I found his Lordſhip in, and expreſſed the ſame to his Lordſhip's family at the Mount, and the ſurprize I was under that his Lordſhip ſhould be ſo ill before I was called.

Queſtion.

Queſtion. You have ſaid on his Lordſhip's caſe, now produced, that he relapſed and grew worſe, how ſoon did he relapſe, and to what cauſe do you impute ſuch relapſe?

Anſwer. About twelve or fourteen days after his Lordſhip's recovery he relapſed, owing to his going too ſoon abroad, and not uſing the precautions he was adviſed to; as I think it highly probable that a relapſe might have been prevented could his Lordſhip have been perſuaded of the neceſſity of perſevering in a courſe of medicines, and other attentions neceſſary in his ſituation.

Queſtion. Did you ever remonſtrate and give your advice to his Lordſhip after the recovery from his firſt illneſs? if you did, relate the converſation that paſſed between you; and whether his Lordſhip did not appear ſenſible of his imprudence by not following your advice?

Anſwer. I did repreſent to his Lordſhip how uſual it was to have relapſes in diſorders of the kind he laboured under, and that medicines, diet, and other precautions were neceſſary to prevent them; indeed, I took pains to explain to his Lordſhip the nature of his diſorder, and the conſequences that might ariſe from a neglect of preventative means; but his Lordſhip having the feelings of a perfect recovery, ſaid he could not think them neceſſary, as he felt himſelf as well as any man in India. When a relapſe took place he expreſſed in ſtrong terms a conſciouſneſs of imprudence in not attending to the advice I had given him.

Queſtion. Did not you, ſoon after his Lordſhip's getting the better of his complaint, viſit him, and find him ſleeping on a couch at the Nabob's houſe, where Mr. Monckton lived, between two open doors; did you not awake him, and apprize him of the miſchief he was doing his conſtitution?

Anſwer. I do not poſitively recollect that I awaked his Lordſhip, but it is certain that his Lordſhip did ſleep on a ratan couch between two open doors, with his hat under his head, and that I repreſented both to him and his family how very uncautious and imprudent it was, that being juſt recovered from an illneſs he ſhould expoſe himſelf, or ſleep in a draft of wind.

Queſtion. Was not his Lordſhip removed to the Company's Garden-houſe for the benefit of the air?

Anſwer. He was.

Queſtion. By whom was the offer of the Garden-houſe made, and to whom?

Anſwer. Mr. Stratton, hearing of his Lordſhip's dangerous ſtate of health, ſent for me, and propoſed his coming to the Garden-houſe, which, he ſaid, ſhould be immediately evacuated for his Lordſhip, at the ſame time deſired me to inform his Lordſhip that he was at liberty to chuſe any other houſe if more agreeable.

Queſtion. Did you deliver that meſſage to his Lordſhip?

Anſwer. I communicated it to his Lordſhip's family; in the interval Major Horne received an official letter on the ſubject, the contents of which was, after ſome conſideration, communicated by Mr. Monckton to his Lordſhip, who very readily accepted the Garden-houſe in preference.

Queſtion. As you viſited at the Mount frequently, did you ever obſerve any want of perſonal reſpect or attention towards Lord Pigot by Major Horne, or any of his family, or from any perſon under his authority?—Was Lord Pigot in any want of attendance or neceſſaries that could be procured during his illneſs, diſturbed by any noiſe that might have been prevented, or, in a word, any way ill treated?

Anſwer. I know of no inattention or want of reſpect to his Lordſhip from any one, his Lordſhip was in no want of attendance, having his own ſervants, nor to my knowledge diſturbed by any noiſe; and the drums were, during his illneſs, removed at a diſtance from his apartments, by order of Major Horne.

Queſtion. Do you know of any letter or letters that were ſent on the 26th of April to Major Horne, reſpecting the removal of Lord Pigot to the Garden-houſe? Was his Lordſhip acquainted of the contents of ſuch letter on that day; if not, what reaſon was alleged for not communicating the contents of ſuch letter to his Lordſhip, and who aſſigned thoſe reaſons?

Anſwer. I know official letters were received reſpecting his Lordſhip's removal to the Company's Garden-houſe; I myſelf received an order to accompany him thither; Major Horne, under whoſe

whofe charge his Lordfhip was, received alfo a letter to that purpofe, which Major Horne meant to fhew his Lordfhip; but, as it was wrote in the ftile of government, Mr. Monckton and Mr. Ruffel communicated with me on the occafion, and it was thought better to give his Lordfhip a verbal notice of the Garden-houfe having been fitted for his reception, than to give him the perufal of the order to Major Horne in the fituation he was at that time in.

Queftion. Have you not heard Meffrs. Monckton, Ruffel, Stone, and others of his Lordfhip's friends, frequently abufe the members of the late Government, and threaten profecutions, hanging, &c.?

Anfwer. Meffrs. Monckton and Stone I have heard talk with the greateft virulence againft the members of the late Government, and have heard them fay they all deferved to be hanged; Mr. Ruffel I never heard talk violently againft any one of the members of the late Government excepting Mr. Mackay.

Queftion. Do you think the violent paffions Lord Pigot was thrown into, by attempting to remove him to Chingleput, could be productive of ill confequences to his health or conftitution?

Anfwer. I think not; the agitations of violent paffions, like fevere exercife, produce wearinefs and fatigue, but never have lafting ill effects.

Queftion. Do you think his Lordfhip, when in arreft at the Mount, was in general fo much under the influence of paffions of the mind as to affect his health in any great degree?

Anfwer. I think, on the contrary, that his Lordfhip on great occafions was fuperior to all the little paffions of the mind, and in great events, like men of real character, he on every occafion difplayed exertions of mind more than enough to prevent them having any great effect upon his health and conftitution.

Queftion. Do you think any particular affections of the mind preyed fo much upon his Lordfhip's feelings as to occafion his Lordfhip's illnefs?

Anfwer. Timidity, defpondency, and remorfe are the only affections of the mind which, I can conceive, can entail complaints on the body. His Lordfhip's uniform firmnefs and fortitude is a

contradiction

contradiction to the firft preying upon him; his general cheerfulnefs of behaviour is a proof the fecond did not exift; and, I believe, he had too good an opinion of his own caufe to entertain ideas of the laft.

Queftion. Were many other caufes neceffary to eftablifh and produce the illnefs of which his Lordfhip died?

Anfwer. Many other caufes were abfolutely neceffary—No fingle caufe, whether paffion of the mind, or other, could in any refpect produce the diforder of which his Lordfhip died; remote caufes of diforders are not to be traced, they may be fuppofed, but cannot be afcertained; but the more immediate and oftenfible caufes doubtlefs were, an impaired digeftion, denfe ftate of the blood, expofing himfelf too much to the heat of the fun, and the frequent heating and cooling his habit.

Queftion. Do you think, from your knowledge of Lord Pigot's character, that he could be fubject to that degree of dejection as to injure his health?

Anfwer. I never faw the leaft appearance of dejection in Lord Pigot, whether in ficknefs or in health; befides, the natural dignity of his character, the flattering idea he had of the juftnefs of his caufe, that his rank, character, and former fervices would entitle him to fuch ample fatisfaction from the public, that there was no room left for dejection in his mind.—As explanatory of the evidence I have given on the operation of the affections and paffions of the mind, I defire it may be noted, that refentment, anger, rage, and the active paffions of the mind, produce at all times fo great a re-action on the body, that they never do mifchief unlefs inftantaneoufly. The paffions and affections of weak minds have their ill effects on the body, principally on occafions of the perfon's withdrawing himfelf from fociety and fhutting himfelf up.

Queftion. Were any of his Lordfhip's family fick during their refidence at the Mount?

Anfwer. There were—Mifs Pigot laboured under a bilious illnefs, rather of a dangerous kind, and Mr. Monckton had feveral fmart attacks of feverifh bilious diforders.

Queftion.

Question. Were the corps of artillery ſubject to bilious diſorders at the time his Lordſhip reſided at the Mount?

Anſwer. They were ſubject in common with other parts of this coaſt to fevers, fluxes, inflammations of the liver, &c.

Queſtion. Were any of the officers of artillery taken ill with bilious diſorders?

Anſwer. Several of them were at different times ſick of bilious diſorders under Mr. Mallett's care, the ſurgeon on the ſpot; two of them, Lieutenant Moorhouſe, and Lieutenant Douglas, were ſent to town to me very ill of liver complaints, with feveriſh diſpoſitions, and one of them died.

Queſtion. Are diſorders ſimilar to his Lordſhip's common in this part of India?

Anſwer. They are common all over this part of India, and men in all ſituations, with the fulleſt enjoyment of every privilege, are ſubject to the ſame, and die of them.

Queſtion. Do you think that the ſpring and increaſing heat of the weather at the time of his Lordſhip's being at the Mount would be more productive of a diſeaſe to his Lordſhip than to any other man there?

Anſwer. I think not. His Lordſhip ſeemed to have no deficiency of exerciſe, for he never was idle, and that ſeaſon of the year ſuch diſorders as his Lordſhip was affected with might affect others there as well as him, and ſeveral of them had ſimilar diſorders originating in their livers.

Queſtion. Do you think his Lordſhip's ſickneſs and death was owing principally to his confinement or reſtraint, or was it the effect of a bilious diſorder?

Anſwer. I think principally from the effect of a bilious diſorder ariſing from the ſame cauſes by which they are produced in others.

Queſtion. Whether the room in which Lord Pigot was in the houſe of Major Horne could be the cauſe of his Lordſhip's illneſs, and whether ſuch room was proper and fitting for a perſon in Lord Pigot's then ill ſtate of health?

Anſwer. The room could in no reſpect be the cauſe of his illneſs; and it was fit for his Lordſhip in a ſick ſtate on account of its being high-roofed, well aired, and the cooleſt room in the houſe.

Queſtion. Can you, with that degree of moral certainty which in all law proceedings, or human evidence, ſeems neceſſary to eſtabliſh the exiſtence of any fact, declare that the ſeizure of Lord Pigot, and the ſubſequent occurrences while his Lordſhip was at the Mount, in conſequence of the orders of the late Adminiſtration, did certainly occaſion, or did certainly contribute, to the illneſs of which Lord Pigot died?

Anſwer. I think and can declare the moral certainty is, that the ſeizure of Lord Pigot, and the ſubſequent circumſtances at the Mount, did certainly not occaſion the diſorder of which Lord Pigot died, though a combination of the circumſtances mentioned in the queſtion might have contributed to produce a change in his Lordſhip's conſtitution, but not ſufficient to produce a diſeaſe of themſelves; and his Lordſhip's enjoying ſo perfect health from the 24th of Auguſt till about the month of March, ſeems to argue clearly that they only contributed to lay the foundation of his Lordſhip's illneſs in the moſt remote manner, as a little water to the formation of a lake.

Queſtion. Were you ſummoned on an Inqueſt held by Mr. George Andrew Ram?

Anſwer. I was.

Queſtion. Were any queſtions put to you on that occaſion, and what were their tendency?

Anſwer. Many queſtions were on that occaſion put to me, principally regarding the operations of the paſſions of the mind upon the body, and the tendency of all the queſtions put to me ſeemed to be, to the beſt of my underſtanding, directly and carefully to eſtabliſh a guilt. No queſtions were put explanatory of the anſwers I gave them, and none to remove doubts, or diſcover fact or truth.

Queſtion from the Court.

Do you imagine the diſorder of which Lord Pigot died was occaſioned by impriſonment, or do you rather imagine it came on naturally, or that it was produced by his own imprudence?

Anſwer. The firſt part of this queſtion I have already anſwered, by aſcertaining the cauſes of his Lordſhip's diſeaſe; as to the ſecond part it was imagined and propheſied by every body, that his Lordſhip would ſooner or later be attacked by ſome diſeaſe, owing to his expoſing himſelf ſo much in the ſun, which, indeed, his friends, always remonſtrated againſt.

GILBERT PASLEY, Surgeon.

Sworn to before us this 17th day of November, 1777.

CHARLES SMITH, } Juſtices.
PETER PERRING, }

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

The CASE *of the Right Honourable Lord* PIGOT.

HIS Lordſhip, about Fifty-eight years of age, very healthy, and ſubject to no conſtitutional ailments, had reſided at St. Thomas's Mount for ſome months. During the rains and cool ſeaſon he remained in perfect health. Being accuſtomed to much ſtirring and exerciſe, he employed himſelf daily till noon (expoſed to the heat of the ſun) in gardening, repairing of tanks, &c. The confidence he had in his own conſtitution made him perſevere in thoſe amuſements contrary to the advice of friends. About the beginning of March, when the weather grew hotter, appearance of a redundancy of bile, and diſturbed ſecretions, took place on his Lordſhip. He grew reſtleſs, his ſpirits flagged, perſpiration became ſcanty and irregular, with feveriſh diſpoſitions, which obliged him to take to his room. He remained ſome days in this ſituation, took an emetic and a purge, and reſiſted the feelings of an impending illneſs. But things growing more ſerious I was called upon, and was ſomewhat alarmed at the ſituation I found his Lordſhip in. He was reſtleſs, an oppreſſion and difficulty of breathing, proſtration of ſtrength, his tongue as white as a ſheet, his urine like ſour beer, his ſkin hot and dry, his pulſe very quick, and his whole ſyſtem agitated with putrid bile. More time was not to be loſt. He was directed to take immediately a laxative compoſed of ſenna manna, ſal rochelle, tamarinds, and fennel-ſeed, which in the courſe of the evening operated four times. The evacuations were fœtid and offenſive, and produced ſome relief. The laxative was repeated in the morning, had a good effect, brought away much putrid pile, and gave general relief: a perſpiration was recovered on his ſkin, his tongue looked better, his pulſe ſwelled and leſs quick, and every thing favourable. He now began to uſe ſaline draughts, with tartar emetic, which ſickened his ſtomach, brought up ſome freſh bile, and a quantity of glutinous ſtuff that would not diſſolve in water. As the putrid oppreſſive complaints abated, he became ſenſible of pain and tenderneſs in the region of his liver, and pain of his right ſhoulder. His laxative was again repeated, and evacuations leſs putrid were produced by it, after which he uſed ſaline mixture often as a refreſhing drink; and as all ſymptoms of irritability were much diminiſhed, and little more than a feveriſh diſpoſition remaining, he was directed to take ſome alcalizate mercury and tartar of vitriol, equal quantities, morn-

 ing

ing and evening, to remove liver, and other vifceral obftructions. By thefe means, proper diet, antiphlogiftic drinks, and laxatives, he became quite well, to all appearance. Notwithftanding, to fecure a permanent recovery, I thought proper to apprize his Lordfhip, that as all diforders, of the kind he had laboured under, originated in the liver, a courfe of alteratives, deobftruent and aperient medicines would be highly neceffary; and every other precaution in diet and exercife to prevent a relapfe which might happen from indigeftions and difeafed fecretions. I was at fome pains to explain thefe matters to his Lordfhip, but from a confidence in his conftitution and former healthinefs, he could not be perfuaded they were in any refpect neceffary, particularly as he had not a feeling of difeafe about him, and his fpirits in their ufual ftyle. He therefore went out again and followed his amufements and occupations as before. In a fortnight's time, however, he became fenfible how imprudent he had been in not liftening to the advice he had received. His appetite began to fail him, his fleep grew difturbed, he grew heavy and feverifh, and the whole fcene of illnefs was renewed without having ftrength fufficient to fupport a fecond attack. On the commencement of his illnefs he took fome tartar emetic, and a purge; by both he had great difcharge of bile. They gave but little relief, as he had confiderable congeftion and irritation in his liver, which occafioned copious fecretions of bile, and kept up his fever in fpite of evacuations, relaxing and diluting medicines, and a perfect obedience on his part to every means that was neceffary.

As his diforder gained ground, and the heat of the weather increafed, he was moved, with his own confent, to the Company's Garden-houfe, near to the fea. In the courfe of three or four days after his removal, he was better in fome refpects, though not generally, but fome violent exertions, and expofing himfelf to cold and fatigue, threw him back again, and brought on fevere fhivering. After which he gradually declined until he died of a flow vifceral fever, partial fuppurations in the fubftance of his liver, and putrid bile.

GILBERT PASLEY, Surgeon.

Sworn to this 17th day of November, 1777, before us,

CHARLES SMITH, } Juftices.
P. PERRING, }

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

WEDNESDAY, the 19th of November.

At a COURT of SESSION.

JUSTICES PRESENT,

JOHN WHITEHILL, Esq; Chairman.
CHARLES SMITH, and PETER PERRING, Esqrs;

COURT opened:—Sheriff returns his precepts. Mr. Charles Bromley, Solicitor, delivers in the following Petition of Brigadier General James Stuart.

To the Honourable John Whitehill, Esq; &c. his Majesty Justices of Oyer and Terminer, and General Gaol Delivery, for the Town of Madraspatnam and its Districts.

The HUMBLE PETITION *of Brigadier General* James Stuart,

Sheweth,

" THAT it is now almost eight weeks since your Petitioner has been in detention of the Sheriff, or admitted to bail, in consequence of a most serious charge, which, from the hour of its being known to your Petitioner, he was, and now is, ready to prove to be devoid of foundation, according to any rules of law, justice, equity, or evidence.

" The respect your Petitioner bears to the very name of trial by the laws of England (a name assumed by the supposed Court of Inquest), added to your Petioner's desire to satisfy all mankind of his innocence, made your Petitioner, at the beginning, feel the inconvenience of his detention the less, because he imagined, according to the usual mode of proceedings, the business would be soon gone through; but the repeated, unexpected delays that have since occurred, obliges your

your Petitioner now, with becoming deference, to complain of theſe delays, as ſeeming to him a grievance. Therefore your Petitioner, in his own name, and in the name of the military concerned, takes occaſion to requeſt moſt earneſtly, that no further delays may intervene; and that if the ſuppoſed Inqueſt is legal, that your Worſhips will now proceed in courſe of law, or if not legal, that your Petitioner may have ſpeedy deliverance and redreſs.

" Your Petitioner begs leave alſo to inform you, that if this buſineſs is to come to an hearing, in ſo far as it may concern your Petitioner, for the part he in duty took in obeying the orders of his ſuperiors both civil and military, or for the part which any military man, in like manner, took in conſequence of your Petitioner's orders, your Petitioner propoſes in perſon to make his own, and their defence, upon grounds diſtinct from that of the Government at the time, which originally gave the orders to your Petitioner, or to the military who acted under him.

" Your Petitioner humbly requeſts, that this his Petition may be entered in the records of this honourable Court.

" And your Petitioner, as in duty bound, ſhall ever pray.

Fort-George, 19th Nov. 1777. (Signed) JAMES STUART."

The above Petition ordered to be recorded, and the Court adjourned to Wedneſday, the 26th of November.

(A true Copy)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

WEDNESDAY, the 26th of November, 1777.

At a COURT of SESSION.

JUSTICES PRESENT,

JOHN WHITEHILL, Eſq; Chairman.
CHARLES SMITH, SAMUEL JOHNSON, PETER PERRING, Eſqrs.

COURT opened:—Sheriff returns his precepts.——The follow-Grand Jury are ſworn in upon both commiſſions.

James Daniel, Eſq; Foreman.

Mr. James Henry Caſamajor.
Mr. Edward Saunders.
Mr. Edward Trowd.
Mr. Thomas Barnard.
Mr. Charles Edward Jones.
Mr. Robert Gardiner.
Mr. William Aug. Dobbyn.
Mr. William Duff.
Mr. Thomas Cooper.
Mr. Richard Guy.
Mr. Theodore Corbett.
Mr. Joſeph Baker.
Mr. George Moubray.
Mr. John Mitford.
Mr. James Strange.
Mr. Edward Miller.

The Chairman then delivers the following paper to the Clerk of the Peace, to be read publicly.

" AT the firſt meeting in the term of this Seſſion, the Court obſerved that an Inquiſition and ſundry Informations had come before them, relative to the death or murder of the Right Honourable Lord Pigot, and that the ſubject appeared to them of ſo extraordinary a nature, that they had reſolved to apply to the Judges of the High Court of Judicature for their opinion and advice.

" The Preſident and Council, in conſequence of this reſolution, took the neceſſary ſteps for obtaining the opinion of the Honourable the Supreme Court, on ſeveral points of law which occurred on the ſubject of the before-mentioned Inquiſition: the anſwer of the

Judges,

Judges to the queries put to them are very full and satisfactory, and this Court having taken the same into consideration, and maturely deliberated on the proceedings of the Inquisition, with the exceptions made to them by the parties accused, are of opinion, That the said proceedings are irregular, and contrary to law, and have accordingly resolved, that the whole be quashed and laid aside.

"And in justice to the persons accused in the said Inquisition, the Court have thought it proper and necessary, that an attested copy of the letter from the Honourable the Judges of the Supreme Court, containing their opinion on the several points referred to them, be entered on their minutes."

The Court agreeing in opinion that these persons should be immediately released from their recognizances: resolved, That they be now discharged by proclamation.

The Clerk of the Peace then calls over the names of the following Gentlemen, who, by the verdict of the Inquest, were charged with the murder of the late Lord Pigot, viz. Messrs. George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdan, George Mackay, James Stuart, James Eidingtoun, Arthur Lysaght, and Matthew Horne; when Mr. Charles Bromley, solicitor for these Gentlemen, appears and informs the Court the above Gentlemen are in an adjoining house, and submits it to the Court, whether their personal appearance be absolutely requisite, which the Court does not deem necessary, and they are discharged by proclamation; the Court at the same time order the Clerk to quash the Inquest, which is done in the presence of the Grand Jury; and the Chairman then orders the Clerk of the Peace to read the following questions, which were sent to Bengal with the answers received from the Bench of Judges.

Question First. Whether the Judges ought to allow exception being made to the Coroner, as being appointed by the President and Council, and if such exception be admitted, who has properly the power of appointing that officer?

Second. Whether the Justices ought to allow exception against Mr. Ram, the Coroner on the present Inquest, on account of another Coroner having been appointed by Mr. Stratton, and the rest of the Gentlemen of the late administration; or, for his having at any time

time declined to officiate, ſuppoſing this latter circumſtance, which is at preſent doubtful, ſhould be found true?

Third. Whether the Juſtices ought to quaſh the Inqueſt on account of any of thoſe exceptions, or on account of iregularities in the proceedings, ſhould any ſuch appear?

Fourth. Whether all thoſe perſons, accuſed by name, ſhould be indicted for murder, or for manſlaughter; or whether ſome only ſhould be indicted as principals, and the others as acceſſaries before the fact, and in this laſt caſe who ſhould be conſidered as principals, and who as acceſſaries?

Fifth. Whether, in criminal matters, the informations of perſons beyond the ſeas can be read in evidence to the Petit Jury?

Sixth. Whether the Jurors that ſat on the Inqueſt can be examined as evidence before the Court, and before the Grand Jury, or either?

Seventh. Whether the Jury on the Inqueſt ought to be unanimous in their verdict; and whether they may decide by any, and what, majority?

Eighth. Whether the proceedings of the Inqueſt, in caſe it ſhould be quaſhed, can be demanded by the Grand Jury?

Ninth. Whether, if the Inqueſt and proceeedings thereon ſhould be deemed legal, the examinations of ſuch perſons as gave evidence before the Coroner, and who may forfeit their recognizance by going to England, may be read as evidence to the Petit Jury on the trial?

Tenth. Whether any, and what, challenge, lies on the part of the Crown, or priſoner, againſt a Grand Jury-man?

Anſwer to the above Queries.

Firſt and Second. To the firſt and ſecond queries one anſwer will ſuffice. It does not appear to us that there is any ſuch officer as a legal Coroner at Madras. If the Preſident and Council have a right to appoint an officer, who can lawfully exerciſe the ſeveral powers belonging to a Coroner in England, they muſt derive it from ſome act of parliament, or from ſome charter; but no act or charter

which we have ſeen confers any ſuch right. It may be proper and convenient, in a ſettlement where there is no legal Coroner, that ſome of the principal inhabitants ſhould inſpect the body of any one ſuddenly deceaſed, and that a perſon appointed by the chief magiſtrate of the place, ſhould aſſemble a proper number of inhabitants for that purpoſe; but though, in ſuch a caſe, their evidence at a future trial may poſſibly be important, any inqueſt that they ſhall preſume to make on oath, will be abſolutely void, and the arraignment of a culprit thereon utterly unlawful.

Third. Inquiſitions taken before a Coroner may be quaſhed or ſet aſide, either for formal defects, or material irregularities; and unleſs there be ſome authority for the appointment of a Coroner at Madras, with which we are unacquainted, the Inquiſition now laid before us, muſt be rejected as wholly null and void.

Fourth. Whether a man charged with the death of another ſhall be indicted for murder or for manſlaughter as a principal or as an acceſſary, it is the office of the Grand Jury to determine on the conſideration of the Facts proved before them; we can only give an opinion upon ſuch facts as are ſtated in Mr. Ram's Inquiſition, from the peruſal of which we cannot collect materials ſufficient for an indictment either of murder or of manſlaughter. Unlawful impriſonment accompanied with ſuch ſeverities as apparently endanger the life of the priſoner may, if death enſues thereupon, amount to criminal homicide; but where the mode of reſtraint was not rigorous, nor the place unwholeſome, he who has unlawfully abridged the liberty of another will not be anſwerable for his death, merely becauſe the diſeaſe of which he died proceeded from anxiety and depreſſion of ſpirits, the natural conſequences of injurious confinement.

Fifth. In criminal matters the informations of perſons beyond the ſeas cannot be read as evidence to the petty jury, unleſs perhaps in certain caſes attended with particular circumſtances, which are not ſtated or ſuppoſed in the preſent inſtance.

Sixth. The Gentlemen who attended Mr. Ram under the denomination of Jurors, may give evidence both to the Grand and Petty Jury of what they themſelves ſaw or know, but not of what was related to them either with or without oath by others.

Seventh. To the validity of a Coroner's Inqueſt it is neceſſary that the major part of the Jurors agree in the verdict, and that ſuch majority conſiſt of at leaſt twelve; ſo that if no more than twelve are ſworn in, the Jury muſt be unanimous.

Eighth. The Inqueſt being ſet aſide, as we have ſuppoſed it muſt be, we do not apprehend that the Grand Jury can have a right to demand from Mr. Ram, or the gentlemen who attended him, any of their papers or proceedings.

Ninth. We are of opinion that the examinations mentioned in the ninth queſtion, cannot be read as evidence to the petty Jury at the trial, both becauſe Mr. Ram appears to us to be no Coroner, and becauſe the depoſitions of abſent perſons cannot be read in evidence in a criminal ſuit, unleſs for ſpecial reaſons, which do not appear to exiſt in the preſent caſe.

Tenth. We apprehend that a Grand Jury-man, though not liable to be peremptorily and arbitrarily challenged, may however be challenged for certain cauſes, by a priſoner under proſecution; we do not think it neceſſary to enter into a particular examination of each of thoſe cauſes, but will here tranſcribe a ſhort paſſage from Hawkins's Pleas of the Crown, which with the references that will be found in the margin of the book under that paſſage, may ſerve to direct, in his inveſtigation of this ſubject, the Barriſter by whom the Preſident and Council of Fort St. George are at preſent aſſiſted. It ſeems (ſays Hawkins) "That any one who is under a proſecution "for any crime whatſoever, may by the common law, before he is "indicted, challenge any of the perſons returned on the Grand Jury, "as being *outlawed*, for felony, &c. or *villains*, or returned at the "inſtance of a proſecutor, or not returned by the proper officer, &c." 2 *Hawk.* 215.

We herewith return (as deſired) the ſeveral official papers that accompanied your letter of the 24th inſtant, and requeſt that you will be pleaſed to communicate with all convenient ſpeed, to the Preſident and Council of Fort St. George, our anſwers to their ſeveral queſtions.

The

The busineſs of the term, and the indiſpoſition of two of the Judges, have been the occaſion of your not receiving this ſooner.

We have the honour, &c.

(Signed) E. IMPEY,
ROBERT CHAMBERS,
S. C. LE MAISTRE,
JOHN HYDE.

Fort-William,
31ſt October, 1777.

(A true Copy.)

By order of Court.

WM. SEDGLEY, Clerk of Peace.

To the Honourable JOHN WHITEHILL, *Esq; &c. Justices of Oyer and Terminer, and General Goal Delivery, for the Town of* Madraspatnam *and its Districts,*

The HUMBLE PETITION *of* George Stratton, Henry Brooke, *Esqrs; Brigadier-General* James Stuart, Charles Floyer, Archdale Palmer, Francis Jourdain, George Mackay, *Esqrs; Lieutenant-Colonel* Matthew Horne, *Captain* James Eidingtoun, *and Captain* Arthur Lysaght.

Humbly Sheweth,

THAT your Petitioners having heard from public report, that an answer is arrived from the Bench of Judges in Bengal, to the questions you were pleased to propose to them in regard to the mode of proceeding adopted by a meeting within this settlement, calling themselves a Court of Inquest held upon the summons of George Andrew Ram, assuming the name and office of Coroner, and exercising the powers annexed to that office as if legally appointed and constituted; We therefore beg leave on this occasion to call your attention to the address we presented to you in the earliest stage of this business, which though it stated our doubts of the legality of the proceedings held under the said George Andrew Ram, nevertheless was expressive of our wishes, that some mode could be found in law, to proceed to the fullest investigation of the horrid crime we have been accused of by this supposed Inquest; we have avoided excepting to the proceedings thereon, on account of the illegality of the said George Andrew Ram's appointment, lest it should be alleged by our malevolent and malicious accusers, that we allowed its legality, when others only were concerned, and never denied it, until we ourselves fell under the same predicament. But as at present this pretended Inquest has been quashed for unfairness and illegality in the proceedings, We pray you in your wisdom, to think of some mode or form of law, to proceed in the examination of evidence, so that we may have the means of proving our innocence upon the clearest and most liberal footing; for we declare in great sincerity and truth, that it is not on the narrow grounds of want of form in law, such as exceptions to the exercise of the office of Coroner as not legally nominated, that we would desire to quash any prosecution, in

consequence of an imputation or charge of wilful murder however unjust; We say, therefore, that in justice to our own feelings on this important occasion, we think it proper to observe to you, that we are ready and willing to submit to any mode of trial, that the informations taken before you can support, or that the laws of our country can warrant.

We therefore pray, that this our petition may be taken into consideration, and that such relief may be granted to us as to the Court may seem meet and proper.

(Signed) CHARLES BROMLEY.

By order of Court.

(A true Copy.)

WM. SEDGLEY, Clerk of Peace.

Town of MADRASPATNAM. *ss.*

Dated, 8th December, 1777.

THESE Copies examined and compared with the minutes of the Court of Oyer and Terminer, and General Gaol Delivery for the Town of Madraspatnam and its districts, and attested to be a true Exemplification from the Records thereof.

By order of Court.

WM. SEDGLEY, Clerk of Peace.

To the Honourable John Whitehill, Esq; Governor, President, &c. of the Council.

Honourable Sir and Sirs,

BEing credibly informed that part of the proceedings of the late illegal meetings held under George Andrew Ram were sent to England by the Hector in July last, even before the supposed final verdict was pronounced, and likewise that the whole of these proceedings (falsely represented to be unanimous) were given by George Andrew Ram to Mr. Monckton, and by him forwarded to England by the Swallow sloop of war in September; on both which occasions an unfair advantage was taken, in order to raise unjust alarms and reports to our disadvantage, and to prejudice the public against us, because at that time we neither had notice of the accusation, nor had we means to exculpate ourselves, or to shew the partiality and illegality of these supposed proceedings and verdict; we therefore entreat your Honour, &c. in justice to us, as well as for the full and authentic information of the Honourable Company, that you will please to forward to the Court of Directors, by the packet over-land, which we understand is to be dispatched to England in the course of next month, the whole of the proceedings taken in this supposed inquest by the said George Andrew Ram, together with copies of the warrant of commitment, the opinion of the Judges in Bengal, the minutes and proceedings of the Bench of Justices, with the informations taken before them relative to this business, and the proclamation of our being liberated: in short, with whatever is connected with the late most illegal and unwarrantable conduct towards us.

Lest there should be any difficulty in obtaining authentic copies of these illegal proceedings (now quashed), we have ordered our Solicitor to furnish you, if you desire it, with copies, which we beg may go a number in your packet.

We have the honour to be,
Honourable Sir and Sirs,
Your's, &c.

Fort St. George,
28th Nov. 1777.

GEO. STRATTON,
HENRY BROOKE,
JAMES STUART,
CHAS. FLOYER,
ARCHDALE PALMER,
GEO. MACKAY,
MATTHEW HORNE,
JAMES EIDINGTOUN,
ARTHUR LYSAGHT.

[*In the foregoing Collection of Authentic Papers, the proceedings subsequent to the death of Lord* Pigot (*under the form of a Coroner's Inquest*) *have been faithfully exhibited, with every proof or information that was produced on that occasion.*

The conduct of the Justices at Madras, *in consequence of these proceedings, has in like manner been faithfully stated from their records, down to the time when these Justices, in conformity with the unanimous opinion of the Judges of the Supreme Court of Judicature in* Bengal, *declared,* " That the said proceedings were irregular and " contrary to law, and accordingly resolved, that the " whole be quashed and laid aside."

Previous to this decision of the Justices, Mr. Stratton *and the other Gentlemen accused, had prepared the following* DEFENCES *that were to be given into Court, had they been put upon their trial, which they had earnestly requested might take place, that they might have an opportunity of publicly refuting the charge, upon the spot where the transactions had happened, and where they could appeal to so many witnesses of their conduct.*

As it is so generally known, that the Inquest assembled by Mr. Ram, *after examining many witnesses, and after meetings and deliberations during several months, had brought in a verdict of* WILFUL MURDER *against Mr.* Stratton, *and the other Gentlemen accused by them; and as the papers and proceedings published in the preceding collection (in which there has been no mixture of observations or arguments in favour either of the one party or the other) tend chiefly*

chiefly to ſhow the accuſations that were brought againſt the perſons to whom that crime was imputed, without giving any preciſe or complete view of the anſwers to theſe accuſations, or of the defences that were to have been made, if the trial had proceeded, it is preſumed, that the Public, deſirous of full information, and diſpoſed to judge with impartiality concerning the conduct of thoſe to whom ſo heinous a crime has been imputed, will be well ſatisfied to find, in this collection, the genuine DEFENCES *of the perſons accuſed, as well as all the informations, proofs, and endeavours, which were employed for the purpoſe of criminating them.*]

DEFENCE

OF

George Stratton, Esq; Governor,

Henry Brooke
Charles Floyer
Archdale Palmer
Francis Jourdan
and
George Mackay, } Esquires, of Council at *Madrass*,

Accused of the wilful Murder of the late Lord *Pigot*.

Gentlemen of the Jury,

TO appear as culprits at the bar of that Court where many of us have often sat as Judges, added to the anxiety which a public scrutiny into our conduct naturally occasions, and to the apprehensions which a trial for our lives necessarily gives rise to, would be fully sufficient to throw such a damp on our minds as may render us incapable of laying our actions before the world in that clear and satisfactory manner which we think requisite to obviate the opprobrium, with which the partisans of the late Lord Pigot wish to cover us. These circumstances, we say, would be sufficient to deprive us of the power of refuting the base and disingenuous charge against us, were we not firm in our own innocence, convinced in ourselves of the propriety of our conduct, and confident in the impartiality, candour, and justice of the Court and Jury.—A simple narrative of facts, known to almost every person here, with a few fair and honest arguments, are all we shall offer in our defence; but few and simple as they are, upon them we rest our lives and reputations.

The crime imputed to us is nothing lefs than the premeditated murder of the late Noble Lord: We are charged with having felonioufly arrefted, and confined him, and by this confinement to have occafioned his death; but, confcious that our hearts have been ever free from guilt, we have defired nothing more than a trial of the accufation by our country, and we are here ready to ftand or fall by their decifion. We do not wifh to give unneceffary delays, nor to enter into any point in the leaft foreign to the fubject of this awful day's enquiry; but though the queftion to be here determined is, Whether we have wilfully and malicioufly murdered Lord Pigot, or whether we have not? yet we wifh to be indulged in an entire liberty, here publicly to vindicate our conduct at large, and to fet the neceffity and legality of our meafures in the jufteft and faireft light; for we think it requifite not only to remove the idea of murder, or perfonal ill-will to the late Noble Lord, but alfo to obviate that of an unneceffary arreft and confinement.

The Council, from the great confidence they had in the fidelity, as well as military abilities of Brigadier General, then Colonel Stuart apponted him to the important command of Tanjore. In confequence of the appointment, the then Commander in Chief laid before the Board a draft of inftructions to be delivered to him previous to his departure, and Mr. Floyer moved, That his Lordfhip fhould put the queftion to take it into confideration.

Lord Pigot had often declared, That he would never confent to his proceeding to Tanjore, unlefs Mr. Ruffel was alfo permitted to go there as Refident; and although the queftion had been put, that this Gentleman fhould go in that capacity, and carried in the negative (as he had been ordered by the Company themfelves on the circuit), yet he abfolutely refufed to put the queftion, To take the inftructions into confideration.—His Lordfhip being a man of a very warm temper, Mr. Stratton moved to adjourn to the next day, hoping he would reflect on his conduct, and be before then fully fenfible of the impropriety of it; but the next day produced no change in the arbitrary manner of his proceeding; for he again abfolutely refufed to put the queftion, or order it to be put by the Secretary.

There was now no mode left for Mr. Floyer, who had moved it, but to collect the fentiments of the feveral Members of the Board for their coming to a decifion upon it. This he did, and the majority of the Council approving of the inftructions, they were entered

accordingly,

accordingly, the Majority having previoufly entered a minute expreffive of their approbation, which was figned by them at the Prefident's defire.

The obftinacy of the Prefident, in not conforming to the regulations of the Company, after the many entreaties that were made him, and an evident defire to concenter in himfelf all the powers of government, induced Mr. Stratton to defire the ftanding orders of the Company of the 3d January 1678 to be read; thefe declare that "*Whatever fhall be agreed on by the Majority fhall be efteemed the* "*order by which each are to act, and accordingly every individual* "*perfon, even the diffenters themfelves, are to perform their parts in* "*the profecution thereof, and in fo doing they do their duty.*" He alfo defired that thofe of the 9th March 1702 might be read, where it is faid, "*We do ftrictly enjoin that all our affairs be tranfacted in* "*Council, and ordered and managed as the Majority of the Council* "*fhall determine, and not otherwife upon any pretence whatfoever.*" He alfo begged leave to have it recorded, that by the late Act of Parliament the Governor General himfelf is obliged, though the firft fervant of the Company in India, to conform to the opinions, and to adopt the refolutions of the Majority of the Council.

Mr. Stratton having thus given Lord Pigot every information that was neceffary to remove any error in his judgment, Mr. Mackay propofed, and the Majority were of opinion, that the inftructions fhould be written fair, and that a letter fhould be prepared to order Colonel Harper to deliver up the command of Tanjore to General Stuart: but his Lordfhip, ftill deaf to remonftrance, declared he would never put his name to them, and that without his name they were not an act of government.

This ftrange and pernicious doctrine laid fuch of us here, as were then of the Council, under the neceffity of expreffing our aftonifhment at fuch extraordinary declarations We were under the neceffity to deny that the concurrence of the Prefident is requifite to conftitute an act of government, and to declare his Lordfhip's conduct unconftitutional and illegal; we were forced by duty to our Honourable Employers on fuch an occafion to affert, that the Minority are obliged to affift in carrying into execution the orders of the Majority, by fubfcribing to their rofolutions; and that the Prefident is as much bound by thofe orders, as any other Member of the Board.

Yet leſt he ſhould imagine that we meant to impoſe laws of our own inſtitution upon him, we referred, in ſupport of our aſſertion, to the narrative of Mr. Vanſittart; where it is ſaid (and it certainly was not written to anſwer our purpoſes), "*that the reſolutions of* "*the majority are to be deemed the reſolutions of the Board, and to* "*be ſigned by the whole Board.*" Where it is obſerved, that that Gentleman himſelf, in conformity with the general and eſtabliſhed rule, ſigned inſtructions which he diſapproved, becauſe they met with the approbation of the majority of Council. We thought it alſo neceſſary to declare, we were of opinion, that in caſe of the Preſident's refuſal to put a queſtion propoſed by any Member, it ſhould be the duty of the Secretary to put it; that of every Member of the Council to anſwer it; and that a refuſal to anſwer ſhould be deemed a breach of the Company's ſtanding orders.

In this manner did we endeavour to make his Lordſhip ſenſible of the irregularity of his conduct, and the deſpotiſm of his meaſures; but he ſtill perſevered, and again peremptorily refuſed to ſign either the inſtructions or the letter to Colonel Harper.

In conſequence of this unprecedented obſtinacy, we as the majority were of opinion, that they ſhould be ſigned by the Secretary by order of Council; taking this mode out of delicacy to his Lordſhip, and in purſuance of the moderation we had always obſerved; for we could have obliged both him and the other Members to have ſigned the letter, or have ſuſpended them the ſervice on a refuſal.

An order was accordingly written to that purpoſe to Mr. Secretary Sullivan; and being approved of by the majority, was ſigned by Mr. Stratton and Mr. Brooke; and would have been alſo ſigned by the reſt of the majority, had not Lord Pigot ſnatched it out of Mr. Brooke's hand, as he was reading it to Mr. Floyer.

Becoming thus maſter of the order, he produced a paper (ready written and prepared, to anſwer a haſty and undigeſted, although premeditated purpoſe), charging Mr. Stratton and Mr. Brooke with "*being guilty of an act ſubverſive of the authority of government, and* "*tending to introduce anarchy, in ſigning orders to the Secretary to* "*give inſtructions to Colonel Stuart, which were not approved and* "*paſſed by the Preſident and Council.*" And at the ſame time he recommended, that "*as the charge was of the higheſt nature, thoſe* "*Gentlemen ſhould be ordered to withdraw, that their conduct may*

"*be taken into consideration.*" Surprised at this motion, Mr. Jourdan moved to adjourn till the next day, and was seconded by Mr. Mackay; but instead of putting the question of adjournment, according to the constant practice, he put that for the suspension; and directing the Secretary not to receive the votes of these two Gentlemen, he arrogated to himself a privilege of judging in a cause where he himself was the accuser, contrary to the principles of the constitution; and thus by assuming a right to himself which he denied to them, he reduced the majority to an equality with his party, and carried the suspension by his casting voice, or double vote.

In this violent and extraordinary manner he deprived these Gentlemen of their rights, not only as Councillors, but as free-born British subjects; who, by the laws of England, are to be judged by uninterested and impartial men; and assumed to himself and his associates those reins of government which the standing orders of the Honourable Company, as well as the late act of parliament, had placed in the hands of the majority, and consequently in ours.

Yet not content with this, when with the late Sir Robert Fletcher, then Commander in Chief, and a Member of the Board, we asserted our rights, and publicly protested against him and his minority; when we declared that we should hold them responsible for all the consequences that might ensue, and that we considered ourselves as the only legal representatives of the Company; when, we say, we had done this, and distributed copies of our protest, thus asserting our rights and the standing orders of our honourable employers; he had the temerity, with the concurrence of his associates, to suspend Messrs. Floyer, Palmer, Jourdan, and Mackay; nay, he pushed his violence to such a degree of outrage, as to order Sir Robert Fletcher into immediate arrest, and to be brought to a general court-martial, under the pretence of circulating letters tending to excite mutiny and sedition among the troops in garrison; although these letters were nothing more than the protest signed by him in his civil capacity of Councillor, and as forming, in conjunction with us, a real and constitutional majority of the Council.

Justly alarmed for the life of the Commander in Chief, thus struck at by an usurped authority, as well as for ourselves, who might have been with equal reason treated in the same manner; for the peace of the Carnatic, and the commercial interests of the Company; for the impartial distribution of justice, and the public safety;

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we ſaw the neceſſity of a vigorous and timely exertion of that authority, which ſince the eſtabliſhment of the ſettlement has been veſted in the majority of the Board.

We accordingly held a Council, and upon the moſt mature deliberation agreed, that the fortreſs and garriſon of Fort St. George ought to be in our hands, and under our command, as the legal repreſentatives of the Eaſt-India Company; for otherwiſe we muſt have remained ſilent ſpectators of the free and uncontrouled exerciſe of an uſurped power, deprived of the means of enforcing our orders, or of fulfilling, in the ſlighteſt degree, our duty to the Company, unleſs, by exciting the troops to mutiny, we embrued our hands in the blood of our fellow-citizens, and arrived, by a means ſo ſhocking to humanity, at a re-poſſeſſion of our rights and privileges.

For this purpoſe we empowered General Stuart, on whom, during the indiſpoſition of Sir Robert Fletcher, we conferred the command of the army (as well as of the garriſon of Fort St. George during the then preſent danger), to take ſuch meaſures as he ſhould judge moſt proper to anſwer the end we propoſed; which was, that public tranquillity might be reſtored, and the buſineſs of the Honourable Company carried on in the uſual manner. Uncertain, beſides, to what further exceſs the violence of Lord Pigot (who ſeemed to acknowledge no law but his will) might proceed, we alſo thought proper to order General Stuart to arreſt his perſon, if he thought it neceſſary, to avoid tumult and the effuſion of blood.

General Stuart, having received full information of the grounds on which we had ſeparated ourſelves from Lord Pigot and his aſſociates, knew his duty too well to delay obedience to our orders, and therefore immediately formed the plan of putting this fortreſs into our poſſeſſion, with as little danger and confuſion as poſſible. But to effect this, he looked upon the arreſt of Lord Pigot as an object of the greateſt importance, and accordingly took proper meaſures to arreſt him, even in the fort, had it been requiſite; but we ſhall ever think it a fortunate circumſtance, that he was not driven to that perhaps bloody extremity.

We muſt beg leave to obſerve, that the general order of Lord Pigot and the Gentlemen of the minority to put Sir Robert Fletcher under arreſt, and to order him to be tried by a general court-martial,

tial, having appointed General Stuart to the command of the troops under this Prefidency; the General wrote, in confequence of the appointment, to Lord Pigot, declaring that he was very imperfectly informed of the fteps which led to the honour conferred on him; and that not thinking himfelf entitled to a feat in Council, as matters were then circumftanced, he hoped his Lordfhip would allow him to perufe the confultations, or other papers paffed in Council, on occafion of thofe unhappy differences, as he wifhed to act from information, fo as to do his duty to his honourable employers, with honour to himfelf, and a juft obfervance to his oath of fidelity to the Company. He alfo faid, that he trufted that his Lordfhip would not refufe him a favour that the practice of the Service had conferred on perfons honoured with the chief command. But Lord Pigot was too confcious that a perufal of the confultations would convince him of the irregularity of his appointment, to comply with the requeft.

At Council, to which he was fummoned in the evening, he made this application, and he again urged the propriety of affording him the information he defired, but to no effect. Great pains were however taken, to obtain a public acknowledgment from him of the authority of that part of the Council which were then affembled; a ftriking proof, that they were themfelves confcious of the illegality of it. And when the Fort Adjutant had delivered to him, by order of Lord Pigot, the general orders appointing him to the command of the army, his Lordfhip defired to meet him in the Fort Square; where having had fome converfation with him apart, he told him, that he confidered his having received the general orders without objection, as an acknowledgment of the authority by which they were publifhed; a circumftance which furely difcovers, that his Lordfhip's private fentiments were, that the legal government was lodged in other hands than his.

The General, however, not thinking it at that time proper to declare his opinion, contented himfelf with obferving, that he owed to the Court of Directors his appointment of fecond in command, and with entreating his Lordfhip to give him the information he defired, before he fhould be called upon for any executive act as Commander in Chief. But his Lordfhip, confcious, as we have faid, that a perufal of the records would fet his conduct in too unfavourable a light to meet with the approbation or fupport of the army, either conftantly eluded the requeft, or, allowing it to be reafonable,

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objected to its propriety, as having the appearance of a bargain before he would consent to do his duty.

Thus, although the General could never bring Lord Pigot to his point, yet his Lordship never lost sight of his own; and at the last Council that he and the minority held at the Fort House, used every effort to obtain an avowed acknowledgment of their authority from him by some public act, and particularly by his directing, as Commander in Chief, the Adjutant General to publish in general orders to the army the resolution of their Council, whereby Sir Robert Fletcher was put in arrest, and himself appointed to the command.

But perceiving the tendency of this application, and that if he acted in one instance only, it would be a tacit acknowledgment of an authority in them which he was firmly persuaded was placed in the hands of the majority; that acting even in that one instance would oblige him to continue to act under their orders, for the sake of uniformity in his conduct, and force him to set the military power in opposition to the legal civil government; that he would be obliged to pay an implicit obedience to an usurped authority, or be treated like Sir Robert Fletcher, and subjected like him, should he remonstrate even in his civil capacity, to an arrest and trial by a general court-martial; perceiving such consequences to a compliance with their demand, the General expressed the hardship of obliging him to take this, or any other step, without communicating to him the ground and reason of their proceedings, and added, he considered it as a right due to the officer commanding the forces, who from his station was entitled to a seat at the Board; but at the same time he judged, that they would continue to act in the same violent and despotic manner that they had already done, and was soon confirmed in his opinion; for he was now informed by Mr. Dalrymple, that it was his duty to obey; thereby giving him to understand, that though they had called him into Council, they did not mean to afford him further information than may be necessary to answer their own purposes, or turn to their own advantage.

General Stuart, now more than ever convinced of the necessity of dissolving the confederacy, and of arresting the person of Lord Pigot, took, as we have said, the proper measures for doing it without noise or public disturbance. For this purpose, he ordered Colonel Eidingtoun to arrest him at some distance from the Fort, in the name of the Government, and to hand him over to Captain Lysaght, who

who was charged to deliver him with the general orders to Major Horne at the Mount. The orders were punctually executed, and his Lordſhip arreſted without bloodſhed or inſult.

Thus far, Gentlemen, we have acquainted you with theſe circumſtances that led to the arreſt; but we have ſtill to relate our motives for continuing his Lordſhip under reſtraint, as alſo the nature of it, and the treatment he met with at the Mount.

Captain Lyſaght, agreeable to his inſtructions, delivered him over to Major (now Colonel) Horne with the General's orders, which directed him to take his Lordſhip into his charge until he received further orders from us; but at the ſame time deſired that his family and ſervants might be permitted to viſit and attend him; as alſo that they might be treated with every mark of attention and reſpect conſiſtent with the ſituation in which the exigency of affairs made it then neceſſary to place him.

His Lordſhip expreſſed his ſatisfaction, that we had made choice of a gentleman, whom he had long known to be a man of honour, and at whoſe houſe he was confident he ſhould ſuffer no indignity. Colonel Horne aſſured him, in the moſt obliging terms, of every reſpect and attention in his power, and immediately gave orders for the Officer's guard then mounted at his quarters, as well as for all others at the Mount, to pay him the ſame military honours he had received in the Fort; and ſo far was he from wiſhing to treat him with the leaſt indignity, or permitting him to ſuffer the ſlighteſt inconvenience, that he gave up to his Lordſhip the beſt and only good apartment in his houſe. The better to accommodate him, Mrs. Horne and he contented themſelves with a very ſmall room much expoſed to the ſun, and whoſe exceſſive cloſeneſs not only contributed much to weaken her conſtitution, but alſo obliged the Colonel himſelf, for ſix weeks together before Lord Pigot left the Mount, to ſleep in an open veranda amongſt a number of his Lordſhip's black ſervants.

Every part of his Lordſhip's family were requeſted to be with him as much as poſſible; and Mrs. Horne particularly entreated Mrs. Monckton and Miſs Pigot to give his Lordſhip as much of their company as they could. Indeed, ſo very ſenſible were himſelf and his friends of the attention and reſpect paid him, that the ſecond evening after his arrival at the Mount, he appeared eaſy and cheerful,

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and walked out in the Plain, to all appearance perfectly reconciled to his situation; and would have continued as happy and contented as it is possible to be in such circumstances, had not the imprudence of his friends broke in upon his repose.

Mr. Claud Russell had attempted to put the main guard under arms the night of his Lordship's arrest; and shortly after the Board received information, that underhand practices were made use of to tamper with the troops in garrison, as well as with the corps of artillery at the Mount. This laid them under a necessity of taking proper precautions for the public peace and tranquillity. So near the Fort, Lord Pigot would have had it too easily in his power to disturb that tranquillity, by means of his friends and associates, whose passions were already raised to such a degree of madness, that they would have readily adopted and executed the most violent measures. So near the Fort, every day would have afforded him opportunities of creating fresh divisions in the settlement, of raising mutiny and sedition among the soldiery, and of giving birth, perhaps, to all the horrors of a civil war.

We therefore judged it prudent to remove his Lordship to a place of greater safety; and accordingly ordered Colonel Eidingtoun to conduct him to Chingleput, where we had sent Major Cook to take the command, and to receive his Lordship. This we ordered to be done in the most secret manner possible, to prevent public disturbances. For the same reason, and to induce a ready compliance on the part of Lord Pigot, we directed Colonel Horne to inform him, that as the last resource, in case of an attempt to rescue, his life must answer it. But so little regard did he pay to this menace, that he made use of the most irritating expressions towards Colonel Eidingtoun, who had it then in his power to treat him rudely, could he have so far forgot what he owed to himself as a gentleman; and not content with this, nor with expressing himself in the most indecent and imprudent manner with respect to us, he publicly harangued the guard, that was then drawn out to put our orders into execution, and endeavoured, by every argument that could work upon the mind or passions of a soldier, to stir them up to mutiny.

Colonel Eidingtoun and Colonel Horne were both convinced of the daring and intrepid spirit of Lord Pigot, by his having even thus singly opposed the execution of our orders; at the same time too

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they were confident, that notwithſtanding our menaces we never meant that the leaſt violence ſhould be offered to his Lordſhip's perſon, and that although ſeemingly poſitive, it was only intended to prevent the raſh attempts of himſelf and his friends. Had Colonel Horne regarded the order in any other light, he would have thought it his indiſpenſable duty to force an immediate obedience to it on the part of Lord Pigot; they therefore agreed not to proceed further until they had freſh inſtructions from the board, upon receiving his Lordſhip's word of honour, not to make any attempt to eſcape, nor to employ his friends or dependants to tamper with the troops, which from the violence ſhewn on every occaſion by his Lordſhip's adherents the Board had reaſon to ſuſpect.

Some of Lord Pigot's friends declaring on this occaſion, that we meant to remove him to Gingeè, uſed every means to excite mutiny among the ſoldiers, yet Colonel Horne, perſuaded of the ſteadineſs of his men, ſhewed them a degree of lenity, that nothing but his own humanity could excuſe; and though he would have been juſtifiable, had he treated them in the ſevereſt manner, he contented himſelf with informing us of the raſhneſs and inefficacy of the attempt.

In conſequence of his letter, we wrote to Lord Pigot, and expreſſed an extreme concern that a notion ſhould have prevailed in his Lordſhip's mind that he was to have been removed to Gingeè. We aſſured him, that no ſuch idea ever did or could have occurred to us; and we took this opportunity to make him an offer of removing to any ſettlement on the coaſt, that he ſhould give a preference to, where there was a Chief and a Council, provided he pledged his word of honour to remain in quietneſs within the bounds of ſuch ſettlement until the Company's pleaſure ſhould be known. We told him, that if he conſented to this propoſal, we would order the beſt houſe in the place to be prepared for him, that every neceſſary ſhould be furniſhed at the Company's expence, and that every reſpect and attention ſhould be paid to his perſon. At the ſame time that we made his Lordſhip this offer, we informed him, that if he ſhould prefer embarking for Europe in one of the Company's ſhips, we would order him every accommodation in our power.

Convinced of the neceſſity of reſtraining his Lordſhip from coming into the Fort, or of removing him to ſuch a diſtance from it as would leave us no apprehenſions for the public ſafety, or the peace

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of the Carnatic, it was furely a proof of our wifh to contribute to his fatisfaction, as much as lay in our power, to give him an opportunity of chufing his place of refidence. But his Lordfhip would not pledge his word of honour to remain quiet until the Company's pleafure fhould be known, and feemed fo happy in the place of retirement we had already chofen for him, that he would have rather loft his life (to ufe his own expreffion) than have exchanged it, except for the Fort, which we could never think of giving up, or the King's fhip, which we were obliged to refufe him, as the Commodore Sir Edward Hughes would not in that cafe anfwer for the peace of the Carnatic. As he feemed, we found, fo well pleafed with the Mount, we refolved to let him remain there, in the free enjoyment of his family and friends.

We even permitted Colonel Horne to indulge him in the free and unlimited range of the whole country, accompanied by himfelf or the officer of the guard; he amufed himfelf walking in the neighbourhood of the Mount, or playing at cards, or at billiards; he was cheerful and merry at table, and frequently fung after fupper with Mifs Prime, a young Lady of Colonel Horne's family, particularly a fong he taught her himfelf, and of which he gave her the words.

On fo confidential a footing was Colonel Horne with Lord Pigot, that he ufed to converfe with him on fubjects of the moft interefting and delicate nature, and his Lordfhip feemed fo well fatisfied with his behaviour, and that of his family, that he paid a very particular attention to every perfon that compofed it. Mr. Rofs, Mr. Smith, Mr. Turing, and Mr. Tafwell, with their families, often dined with him, and were witneffes of his conduct. Mr. Monckton and the Colonel's family were on the moft cordial terms; they dined and fupped frequently with his Lordfhip at each other's houfes, and Mrs. Monckton and Mifs Pigot drank tea almoft conftantly with the Ladies of his family; moft evenings his Lordfhip received vifits from near twenty Ladies and Gentlemen, and the Colonel ufually invited every perfon who came to the Mount to fee Lord Pigot, to dine or fup with him; he gave feveral entertainments on his Lordfhip's account, and always avoided afking any perfon that might poffibly have been difagreeable to him, though there were many of his own particular friends in that predicament.

There was fo little appearance of Lord Pigot's being any way difrefpectfully treated, that on the contrary the Mount became the

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gayeſt place on the coaſt, and on Chriſtmas and Newyear's-day, as well as on Twelfth-night, the balls given by Meſſrs. Monckton, Ruſſel, and Stone, were uncommonly ſplendid; the Board even coincided in this reſpect with their wiſhes, and made Colonel Horne a handſome allowance to defray the extraordinary expences that his Lordſhip's reſidence occaſioned; but theſe being conſiderably leſſened by Lord Pigot's inſiſting on ſhortening the table, conſtantly before provided, whether there was company or not, it became more than ſufficient, and the Colonel not wiſhing to benefit himſelf by his Lordſhip's reſtraint, thought it reaſonable that the ſurplus of that money, which had been granted for his entertainment, ſhould be ſpent in his Lordſhip's amuſement; and accordingly, as he was fond of amuſing himſelf in building, he adopted a plan of his for a bath, and at his inſtance, upon a much more extenſive ſcale than he had intended.—Lord Pigot having drawn this plan himſelf, ſeemed particularly deſirous of having it built; and when it was undertaken he frequently gave as cloſe attention to it as any of the workmen; thus, in an occupation of his own choice, and in putting the garden in order, an amuſement that he alſo much delighted in, did he employ thoſe moments that were not ſpent in the company of his family or friends.

This, Gentlemen, was the nature and degree of the reſtraint we laid Lord Pigot under; we will not attempt to expatiate on it, but leave to your own underſtandings to determine whether it was ſuch as evinced premeditated malice, or perſonal ill-will to his Lordſhip; but it remains to ſhew our reaſons for continuing him under this reſtraint.

The Act of Parliament for eſtabliſhing certain regulations for the better management of the Company's affairs, as well here as in Europe, appoints a Governor General and Council at Calcutta, with a controuling power over all the preſidencies in India.

To this controuling power we addreſſed ourſelves upon the public danger, which impended over this ſettlement, from the conduct of Lord Pigot, and the other Gentlemen of the Minority, who maintained that the executive powers of government were not lodged in a Majority of the Members of the Board, unleſs the Preſident was of the number, and that his perſonal aſſent was abſolutely neceſſary to conſtitute every act of government.

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We addreffed this letter to the Governor-general and Council, with a particular detail of our grievances, the day before the general fufpenfion of all the Members of the Majority, and confequently could not have mentioned the neceffity we were driven to by that meafure, to arreft the perfon of Lord Pigot, but that in a few days his Lordfhip did himfelf.

The anfwer received from that Board was clear and explicit; the intemperate conduct of Lord Pigot in forcibly excluding two of our Members from their feats in Council, and the unexampled means by which he had endeavoured to ufurp the power of government, and by attempting to procure a majority in Council by violence, were reprobated and condemned, whilft our Government was acknowledged, and our meafures approved.

Could we have had a doubt of the propriety of our conduct, it was now removed by the pointed and unanimous approbation of that very Board, vefted by the Britifh legiflature with the moft extenfive powers ever granted to any fet of men in India, and whofe fupreme controul extends to every inftance where the intereft of the Company or the peace and tranquillity of their fettlements are any way concerned.

Did we need further authority, we had the fenfe of the Directors themfelves, who, by their General Letter to Bengal of the firft of February 1776, direct, That the orders of the majority be implicitly obeyed, in the fame manner to all intents and purpofes as though they had been authorized and figned by all the Members of the Council.

We were not, however, fo elated with this approbation as to permit the flighteft difrefpect or inattention towards Lord Pigot; on the contrary, we repeated our injunctions to Colonel Horne, to treat him with every refpect and attention fuitable to his rank in fociety, and to the ftation he had occupied in the Company's fervice: we would indeed have gone further, and taken off all reftraint, had not his own turbulent difpofition, and the violence of his friends, put it entirely out of our power.

To fo great a length was this carried, that even after our government was acknowledged by the Governor-general and Council, he never mentioned Fort St. George by any other appellation than

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that of *his Fort*, nor favoured us with other epithets than thoſe of *traitors*, *villains*, and *uſurpers*.

This however would not have induced us to continue him under reſtraint; we ſhould have regarded it with that degree of contempt which ſuch language merits, and have thought ourſelves culpable in treating it with a ſerious attention, but we were under continual anxiety from the daily attempts of both him and his friends, to ſpread confuſion and diſorders throughout every department of government.

The dangerous conduct purſued by his Lordſhip to obſtruct the courſe of juſtice, and thereby to introduce every ſpecies of violence and diſorder, that could ariſe from the want of thoſe legal reſtraints which are inſtituted for the defence of our lives and properties, naturally alarmed us.

In proof of this we obſerve, That having occaſion to fill up the vacancy of an Alderman in the Mayor's Court, his Lordſhip addreſſed a letter to the Mayor, repreſenting that our government was illegal, and warning him againſt the conſequence of receiving any Alderman of our appointment.

This happened a few days before the time fixed by our charter for electing a new Mayor, previous to which it directs, that all vacancies ſhall be filled up; and had the majority of the Gentlemen who compoſed the Corporation, been ſo far influenced by the letter from his Lordſhip, as to refuſe accepting the Alderman whom we had appointed, the election of a new Mayor could not have been made agreeable to the charter, and the powers of the Court muſt have ceaſed until ſome remedy could have been applied from home.

An attempt of the ſame kind was made by his Lordſhip, to impede the adminiſtration of juſtice in the Criminal Courts, by a letter which he addreſſed to Commodore Sir Edward Hughes, in his public character, and of courſe publicly known in the ſettlement, repreſenting us as perſons not legally qualified to hold Quarter Seſſions, or to adminiſter juſtice in any ſhape whatſoever.

When his Lordſhip ſaw that we were poſſeſſed of the powers of Government, had he been intereſted in the welfare of the Company, or of the Public, inſtead of purſuing a conduct ſo very repugnant to

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it, he would have endeavoured, as much as possible, to conciliate the minds of the inhabitants, and to keep even those who were attached to him in proper obedience and submission; for as the Governor-general and Council at Bengal had acknowledged our Government, and declared their resolution to support it in the strongest terms, he must have been sensible that no effort on his part could meliorate his situation, nor answer any other purpose than to injure and embarrass the affairs of the Company. Had he been single in these attempts to subvert the peace and happiness of the community, we should have had little to apprehend from them; but many of the Company's servants and others of the inhabitants were warm in his behalf, and distinguished themselves in opposition to our Government. Anonymous papers were circulated and published in all the out-garrisons and subordinate settlements, with an intention of exciting mutiny amongst the troops, and of keeping up that spirit of party and opposition to our Government, which, had they been faithful servants of the Company, they would have wished to extinguish.

His Lordship hoping for support from the Governor and Council of Bengal, had solicited an exertion of their controuling power; but when he found that his conduct had been highly condemned by them as arbitrary and unconstitutional; when he found that our measures were approved of, and our government supported, he treated with derision and contempt that controuling power, whose superintendency he had so lately acknowledged, by his solicitation to interpose their authority in his favour; he even treated the orders of the Company itself, communicated to him by the Governor-general and Council, in the same indecent and undutiful manner; he still asserted his rights to the Presidency, declaring, that ours was a Government of usurpation, and that he and the Members we had suspended were the legal representatives of the Company.

These reasons are sufficient, we should imagine, to point out the expediency of not taking off the arrest; but they were strengthened by many others, we had reason to believe, which were, that every effort had been used to sow disaffection in the minds of the Rajah of Tanjore, and of many of the Nabob's collectors and managers, not only to our government, but also towards that of his Highness, a circumstance which might have involved the affairs of the coast in the greatest confusion and disorder.

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We were poſſeſſed too of intercepted letters and intelligence, from which we underſtood, that a conſtant correſpondence was kept up between him and the Rajah; and that his Lordſhip, by his Dubaſh Moodeè Kiſtnah, and other emiſſaries, was uſing his utmoſt endeavours to make him believe that he was not to pay the leaſt attention to us, but look up to him for ſupport. The Dobbeer, who was the chief officer of the revenue at Tanjore, was diſgraced by his intrigues, and many perſons, diſſaffected to our government, appointed to the management of that department. We had not only intelligence of this, but alſo that a correſpondence ſubſiſted between his Lordſhip and Hyder Ally.

When under reſtraint he purſued ſuch meaſures, what had we not to dread ſhould he be ſet at liberty? His conduct to his Highneſs the Nabob, the friend and ally of the crown of Great Britain, before his arreſt, by diſpoſing of his territories, and threatening to treat him as a priſoner, was diſreſpectful, indecent, and oppreſſive; and the anonymous papers circulated after it, ſtruck at the honour of his family, and tended to alienate their affections from the Company. So early as the 23d of February 1776, he had drawn out a paper, containing the amount of the orders his Highneſs had given upon the Tanjore country, with directions to his Amuldars and other officers to relinquiſh all manner of authority, and to account with ſuch perſons as his Lordſhip ſhall nominate, for all the ſums of money collected from the 9th of that month. This paper his Lordſhip ſent to the Nabob by his two ſons, and Mr. Chambers the Perſian tranſlator, with a meſſage that he would lay it before the Board, and that if his Highneſs did not conſent to whatever it contained, he would put it in execution by force.

This extraordinary paper was written in his Lordſhip's own hand, and contained a formal renunciation from his Highneſs of all rights to the Tanjore country, as well as an entire acquieſcence in every meaſure his Lordſhip might think proper to recommend; it was in every reſpect repugnant to the Nabob's invariable and uniform claims on that country, and his Highneſs expreſſed his ſurpriſe and diſſatisfaction at it in a public letter, the 27th of that month, addreſſed to his Lordſhip and the Council; but this letter he never thought proper to lay before the Board, and we ſhall remark here, that in this, as well as in the other parts of his unconſtitutional and oppreſſive conduct towards the Nabob, his Lordſhip acted entirely without our knowledge or conſent.

We are ſenſible that this tranſaction, having paſſed long before Lord Pigot's arreſt, we cannot offer it as a reaſon for continuing him under reſtraint; but when we repeat, that we had every reaſon to imagine that he continued his intrigues with the Rajah, even after the condemnation of his conduct by the Governor-general and Council, and as we were informed by his Highneſs the Nabob, that he kept up a conſtant correſpondence with him and Hyder Ally; when we ſay, that in the authority of the Supreme Council, he ſet that of Parliament at defiance; when he ſtill talked of *his Fort*, and treated our Government as an uſurpation, no unprejudiced man, who knew the violence of his diſpoſition, will ſay, that a continuation of the arreſt was unneceſſary; on the contrary, his harangue to the ſoldiers at the Mount, and the efforts he made uſe of to obſtruct the courſe of juſtice, of themſelves point out what he was capable of doing, had he been freed from every reſtraint.

We ſhall here requeſt permiſſion to mention two circumſtances, which have occaſioned much noiſe; the Black Horſe poſted at the Mount, and the conſultation about ſending Lord Pigot to England.

Almoſt immediately after his Lordſhip's arreſt, we applied to the Nabob for a few horſe, to have on all occaſions the moſt ſpeedy intelligence from Colonel Horne; their number was but twelve, and they remained there till the 15th of October, when they were ordered away at his Lordſhip's deſire. Lord Pigot had read our Letter to Colonel Horne, the day they were firſt poſted at the Mount, as had alſo many of his Lordſhip's friends, and ſeen by that, they were ſent there for no other purpoſe; yet it has been induſtriouſly propagated, to poiſon the minds of the Public, that his Lordſhip was guarded by the Nabob's horſe, and he himſelf was diſingenuous enough to write to Sir Edward Hughes, complaining of it; but what is very extraordinary, at the very time Lord Pigot made this charge ſo injurious to the Nabob, who had generouſly pardoned the injuries and inſults he had received from him, his Lordſhip's family lived in the Nabob's houſe, and Mr. Monckton's table was ſupplied with fruits and vegetables from the Nabob's garden; beſides our letters of the 25th of Auguſt and 15th of October are on record, and evidence at the ſame time the falſity of the charge, and the real ſervice they were intended for.

The reaſons given in Conſultation for ſending his Lordſhip to Europe, were the ſame that we have already ſtated, for continuing

him under arreſt; the attempt of Mr. Ruſſell to put the main-guard under arms, his Lordſhip's harangue to the ſoldiers at the Mount, his efforts to ſtop the common courſe of juſtice, the ſeditious papers he had publiſhed and circulated as well in the Fort as in all the out-garriſons and ſubordinate ſettlements, his contempt of the authority of the Governor-general and Council of Bengal, his continual claims to the Preſidency, notwithſtanding their deciſion, his intrigues with the Rajah of Tanjore, and correſpondence with Hyder Ally, as already ſet forth; theſe, added to our juſt apprehenſions for the intereſts of the Company, the property of individuals, and the peace of the Carnatic, ſhould he take a diſhonourable advantage of the liberty he enjoyed at the Mount, and put himſelf at the head of his adherents, were the reaſons for taking that meaſure into conſideration; but on the other hand, our wiſhes to execute the truſt repoſed in us by the Honourable Company, and to maintain our right to the Government, with the leaſt inconvenience to his Lordſhip, together with the great confidence we had in the fidelity and circumſpection of Colonel Horne, and a thorough recollection of his Lordſhip's former ſervices to the Company, were the grounds of our reſolution not to adopt that meaſure.

Thus far, Gentlemen, we have acquainted you with the cauſes of his Lordſhip's arreſt, the neceſſity of continuing it, and the very reſpectful and attentive manner in which he was treated at the Mount; at preſent it is neceſſary we ſhould lay before you the circumſtances of his Lordſhip's death.

It muſt be in the recollection of almoſt every perſon here, that the month of February laſt was remarkably hot. During this month Lord Pigot moſtly employed himſelf in the garden, where Mr. Monckton lived. He was generally with the gardeners as ſoon as breakfaſt was over, and remained with them until dinner; ſometimes he kept Colonel Horne's family waiting for him until two o'clock, and often, without lying down in the forenoon, returned to them immediately after dinner. The heat of the ſun was ſo intenſe, that the officers accompanying his Lordſhip could not ſtand it, but were frequently obliged to leave him, and take ſhelter within doors. This imprudence occaſioned a bilious complaint, brought on ſomewhat ſooner perhaps by eating remarkably hearty of a turtle at Mr. Monckton's the Sunday before his illneſs; a circumſtance that was taken notice of by ſeveral perſons at table, particularly Dr. Mallet, who foretold that his Lordſhip would have a fit of ſickneſs, if he

continued to act with fo little circumfpection. It was the more obfervable, as his Lordfhip was in general an exceeding moderate man, and feldom himfelf eat of rich difhes, though fond of giving directions how to prepare them, and of helping others at table. Mifs Pigot, as well as Mr. Monckton, mentioned their furprife to Mrs. Horne and Mifs Salmon, at his Lordfhip's having eat fo heartily, and Mifs Pigot expreffed fome apprehenfions left it fhould not agree with him.

On Wednefday the 5th of March his Lordfhip appeared to be indifpofed; he did not however give way to his complaint, but walked about as ufual that day and the next. Colonel Horne perceiving his indifpofition recommended his fending for Doctor Pafley, but this his Lordfhip declined; he imagined his illnefs was too trifling to need the affiftance of a doctor, and prefcribed fomething for himfelf, which was made up by Mr. Mallet. On Friday his Lordfhip feemed to be worfe, yet he ftill continued to go out as before. Colonel Horne advifed Mr. Monckton to fend for Dr. Pafley, but was anfwered, that his Lordfhip thought there was no occafion. The Town Major was, however, that day to pay a vifit at the Mount, and on his going away, Colonel Horne defired him to inform Mr. Stratton that night, if poffible, that Lord Pigot appeared to him very much indifpofed, and that he wifhed Mr. Pafley might be fent out. The Town Major delivered this meffage to Mr. Stratton, who immediately fent for the doctor, and directed him to fee Lord Pigot, and to take every poffible care of his Lordfhip.

On Sunday morning early Doctor Pafley went to the Mount, and after he had been fome time with his Lordfhip, expreffed his furprife that he had not been fent for fooner. He faid his Lordfhip's complaint had been permitted to gain ground; he found him in a very alarming ftate, his entire fyftem being agitated with putrid bile, and accordingly loft no time in adminiftering the proper remedies. In proportion as thofe putrid oppreffive complaints abated, he became fenfible of pain and tendernefs in the region of the liver, and in the right fhoulder; but repeated evacuations, with refrefhing drinks, and fome other medicines, reftored him, in all appearance, to a perfect ftate of health; yet Doctor Pafley informed him, that all fuch diforders as he had laboured under, originated in the liver, and that a certain courfe of medicine, with every precaution in diet and exercife, was abfolutely neceffary to prevent a relapfe, which, he faid, may be occafioned by indigeftion and difeafed fecretions.

His

His Lordſhip, however, could not be perſuaded that they were in any reſpect neceſſary, particularly as his ſpirits were in their uſual tone, and as he had not the leaſt ſenſation of diſeaſe about him. He, indeed, declared in a letter to Sir Edward Hughes, that he was as well as any man in India, and ſo far relied upon the natural excellence of his conſtitution, that he expoſed himſelf again to the exceſſive heats of the ſun, and followed his amuſements and occupations in the garden as before.

But in about a fortnight he became ſenſible how very imprudent he had been in not liſtening to the advice he had received, his appetite failed him, his ſleep grew diſturbed, he became heavy and feveriſh, and the whole ſcene of illneſs was renewed without having ſtrength ſufficient to ſupport a ſecond attack.

Colonel Horne took every precaution, as well in his Lordſhip's firſt illneſs as in this, to prevent his being any way diſturbed. The houſe was kept as ſilent as poſſible, no drums were allowed to beat at mounting guard, or on any other occaſion; centinels were placed to oblige all carriages going paſt to make a large circuit, and thoſe coming to the houſe to ſtop at a certain diſtance: every poſſible care was taken of his Lordſhip, and when his phyſician recommended the ſea-air, we ſo earneſtly deſired the re-eſtabliſhment of his Lordſhip's health, that we cheerfully gave up the Company's Garden-houſe as the moſt likely ſituation to contribute to it. We ſhould indeed have been ſincerely happy in his recovery, for we acted from a principle of duty to the Company, whoſe intereſts he had unhappily loſt ſight of, and not from one of perſonal animoſity to his Lordſhip.

On his quitting the Mount, his Lordſhip ſhook Colonel Horne moſt affectionally by the hand, expreſſed his warmeſt thanks to the ladies of his family, to whom he conſidered himſelf as under the higheſt obligations, and intended to reward the ſoldiers with a ſhirt a-piece for their good behaviour, and the attention they had ſhewn him.

The ſame precautions that were uſed to prevent noiſe or diſturbance at the Mount were alſo taken at the Company's Gardens; no drums were permitted to be beat at practice or otherwiſe on the Iſland, or any where near the houſe, that could in the leaſt diſturb his Lordſhip; no carriages or palanquins were ſuffered to enter the court-

yard

yard, nor any perſon allowed to go in at any other gate than that next the Fort; centinels were poſted on the St. Thome and Chepauk roads at the particular requeſt of his Lordſhip's ſervants, to prevent noiſe from the paſſengers; and the ſerjeant of the guard was ordered to comply with any deſire that his Lordſhip's friends or ſervants may make for his quiet and repoſe.

In the courſe of three or four days after his Lordſhip removed to the Garden-houſe, he was ſomewhat better; but violent exertions, and expoſing himſelf to cold and fatigue, threw him back, and brought on ſevere ſhiverings, after which he gradually declined nntil the 11th of May, when he died of a ſlow viſceral fever, partial ſuppurations in the ſubſtance of his liver, and putrid bile.

Having thus related all the circumſtances to the death of Lord Pigot, which we imagined requiſite to prove the rectitude and neceſſity of our meaſures, as alſo the nature and cauſe of his diſorder, we ſhall requeſt the indulgence of the Court to make ſome few obſervations on the whole.

Before Lord Pigot had received an anſwer from the Governor-general and Council to the letter he had written to them, he acknowledged their authority in its utmoſt latitude, yet he denied it as ſoon as they had refuſed to ſupport his meaſures; he denied it ſo ſoon as they had declared that the rights and powers of the Governor and Council of all the Company's preſidencies were veſted by their original conſtitution, in the Majority of the Board, and that the violence of his Lordſhip, in excluding two of the Members of the Council from their ſeats, was a violation of that Conſtitution. He diſallowed their authority, when they declared that the meaſures taken by us to recover the actual Government, which of right was veſted in us, aroſe from the neceſſity of the caſe; and that they ſhould acknowledge and ſupport the title and authority which we conſequently poſſeſſed; but it has been aſſerted in favour of his Lordſhip, that this controuling power in the Governor-general and Council of Bengal does not extend to any other ſettlement, except in caſe of war and peace. If, however, gentlemen would allow themſelves leiſure to peruſe the Act of Parliament, they would perceive that it extends to every inſtance where the Government, Revenues, or Intereſt of the Company is any way concerned. Why elſe ſhould the ſeveral preſidencies of Madras, Bombay, and Bencoolen be directed and required "*to tranſmit conſtantly and diligently*

"*to*

"*to them advice and intelligence of all tranſactions and matters what-*
"*ſoever relative thereto*;" if the legiſlature did not mean to give that Board a power ſo extenſive why eſtabliſh it, "*to prevent the various* "*abuſes which had prevailed in the government and adminiſtration* "*of the Company's affairs in India.*"

It has been aſſerted, that no Act of the Majority could be valid, unleſs the Preſident was of the number, yet all ſocieties (ſays Grotius, p. 204) "have this in common to them, that in matters for which "each aſſociation was inſtituted, the whole body, or the major part "in the name of the whole body, oblige all and every the particular "members of the ſociety; for certainly it is to be preſumed that "theſe who enter into a ſociety are willing there ſhould be ſome me- "thod fixed of deciding affairs, but it is altogether unreaſonable that "a greater number ſhould be governed by a leſs; and therefore, "though there were no contracts or laws that regulate the manner "of determining affairs, the majority would naturally have the "authority and right of the whole." This is the law of Nature, Gentlemen, founded in upright and unbiaſſed reaſon, and declared by that excellent author, not for the partial benefit of any particular ſtate, but for the general guidance of mankind.

This we ſhould imagine ſufficient to prove, that all the authority of government was placed in our hands; yet we will further obſerve to you, that by the ſpirit of the laws of England, the ſenſe of the majority in every public aſſembly is final and deciſive; that Lord Pigot thought ſo, is evident, from the outrage he committed to obtain it. The two Houſes of Parliament, the Privy-Council, and all the Courts of judicature, determine by the opinion of the greateſt number of members; and conforming to this principle of the conſtitution, the Company have invariably, ſince their firſt eſtabliſhment in India, directed the members of their ſeveral Councils, to be determined in every point, where there ſhould be a difference of opinion, by the ſentiments of the majority; to attempt to act contrary to this principle in Europe, would be to attempt a ſubverſion of the conſtitution, and to do it here, is to expoſe the Company to a forfeiture of their charter. Yet Lord Pigot was guilty of this, both by refuſing to put a queſtion agreeable to the ſenſe of a majority of the Board, and by ſuſpending ſeven of the members by a junto of four.

It

It is a maxim in the laws of England, that no man ſhall be either judge or witneſs in any cauſe where he is himſelf plaintiff or defendant; yet in this inſtance too, his Lordſhip acted directly contrary to the laws and conſtitution of his country, and in defiance of both, ſat and voted as a judge in the caſe of Mr. Stratton and Mr. Brooke, where he was himſelf the accuſer.

We, however, ſhowed no other reſentment than to aſſert the rights of the majority, and to proteſt before a notary public, againſt the violent and illegal proceedings of his Lordſhip; but the conſequence of our untimely temperance was, that he and the few members who were influenced by him, ſuſpended four more of the majority. His Lordſhip repeating the ſame illegal act, and ſitting and voting as judge in his own cauſe; Sir Robert Fletcher, the Commander in Chief, another member of the majority, he ordered in arreſt, and to be brought to a general court martial as guilty, in ſigning the proteſt, of mutiny and ſedition. In a milder government than his Lordſhip's, a man was hung by military authority, for a leſs offence, without a trial; what then had the Commander in Chief to apprehend under the government of a perſon of Lord Pigot's violent and deſpotitc diſpoſition, who was at that time, as Governor of the fort, veſted with ſimilar powers.

We were all in the ſame predicament with Sir Robert Fletcher; and if aſſerting the rights of the majority of Council, by proteſting againſt Lord Pigot and his aſſociates, was cauſing mutiny and ſedition; we were all involved in the ſame guilt with him, conſequently all liable to the ſame puniſhment, and therefore reduced to the neceſſity of exerting the common rights of mankind, by putting our lives in ſafety at the expence of his Lordſhip's liberty.

It is however aſſerted, that his Lordſhip's arreſt was contrary to law; but we beg leave to combat this aſſertion, and to rely upon it, that it was not only lawful but neceſſary. His Lordſhip was arreſted more in his military capacity of Governor of the fort, than in his civil one as Preſident of the Council; as a civil ſervant of the Company, we had but little reaſon to be apprehenſive; it was his military authority, as commander of the troops in garriſon, that rendered him dangerous, and his arreſt conſequently lawful; for if there was no power in the majority of the Council, to check the ambition of a military governor of the fort, and to impriſon him,

if

if neceſſary, he may forget both his duty to the Company, and his allegiance to the King, and uſurp an authority independent of either; beſides, we muſt obſerve, that it is laid down by the author of the Principles of Penal Law, "*That every wanton, cauſeleſs, or un-" neceſſary exertion of authority, is unjuſtifiable and tyrannical.*" If then a wanton exertion of lawful authority (for he means no other) be tyrannical, what term ſhall we give to the wanton exertion of an uſurped authority, and what means to oppoſe it can be deemed unjuſtifiable. Every Britiſh ſubject, in the leaſt acquainted with the hiſtory of his country, knows, that it is the ſpirit of the conſtitution to reſiſt and overſet uſurpation, and that the laws allow every individual to exerciſe, in that caſe, an authority which they before denied him; many proofs of this have been felt by our very kings, and ſhould we, in whoſe hands the real powers of government here were placed, have let it paſs unnoticed in Lord Pigot.

The Gentlemen who have thought proper to inſtitute this proſecution againſt us, have quoted Mr. De Lolme's Treatiſe on the Conſtitution of England, to endeavour to prove the arreſt of Lord Pigot illegal; and we ſhall from the ſame book, and the ſame chapter, endeavour to demonſtrate, that it was juſtifiable and agreeable to a principle inherent in the conſtitution, we mean that of reſiſtance. In the twenty-firſt chapter then of this book, he ſays, that all the prerogatives of the people, taken in themſelves, are but weak arms to oppoſe the real force of thoſe who govern; all theſe precautions that our anceſtors have taken, all thoſe reciprocal rights they have eſtabliſhed, ſuppoſe every thing to remain in that legal conſtitutional ſituation where they had placed them; but ſhould the prince ſuddenly free himſelf from every controul, ſhould he ſet himſelf above the conſtitution, in what lies the reſource of the people? He tells you, that it lies in reſiſtance, which the laws of England have decided to be lawful and final, againſt the violence of power; it was this reſiſtance that gave birth to Magna Charta, the baſis of our liberty, and at forty different periods procured its confirmation. It was to this reſiſtance King William owed his crown, and to it alſo are the preſent royal family indebted for their elevation to the throne. This right of reſiſtance and of oppoſition to violence, under whatever form it appears, and from whatſoever quarter it proceeds, is ſo well known, ſo univerſally acknowledged, that even the courts of juſtice themſelves have been guided by it in their deciſions; witneſs the caſe of the Conſtable, which theſe Gentlemen have quoted in their proteſt, and by that, not only acknowledged but proved the

 exiſtence

existence of the principle we contend for. The constitutional right of resistance being then established without a possibility of doubt, we say, that the law must have established modes to give it action, or have left it to the discretion of those who are oppressed. But, as our laws know no opposition, so they prescribe no particular mode of resistance,—violence and oppression overleap the bounds of constitutional power, and must be met on their own ground, and fought with their own weapons. Yet we humbly conceive, we have not only not exceeded in any one act, the discretionary power that both law and nature placed in our hands, but used a degree of lenity and mildness to Lord Pigot, that his conduct towards us gave him very little reason to expect, or indeed to hope for.

The proper adminstration of the Company's affairs, the rights of the Council, and our personal safety, demanded our putting his Lordship under arrest; in a case of such extreme necessity, we were warranted to do it as individuals, and by a much stronger reason, when we united our judicial and political authorities, and acted in a public capacity.

It has been complained of, that his Lordship was arrested on the high road; but will any person attempt to assert, that it would have been more prudent to arrest him in the fort, and have by that means given an inlet to riot and bloodshed. We have been accused too of impropriety, in calling the military to our aid, though that was our only means to prevent confusion and public disturbance. General Stuart is involved in the same charge with us, for having obeyed the civil power; as are also Colonel Eidingtoun, Colonel Horne, and Captain Lysaght, for having obeyed their commanding officer; but the Gentlemen who have shewn so much ingenuity in composing the Informations, and framing the accusation against us, do not seem to have been acquainted with these articles of war, which have been established by parliament for the regulation of the army, nor to have formed any perfect idea of the nature of the military discipline.

By the articles of war, General Stuart was obliged to act as well in obedience to the orders of the then Commander in Chief, as in aid and support of the civil power; and the other Gentlemen, under a necessity of paying him an implicit obedience; for were it permitted to them, to dispute the propriety or legality of the orders of their superior officer, the officers and soldiers under them, even to the

the very drummers, would have the ſame right; and how far ſuch a permiſſion would be ſubverſive of all military diſcipline and authority, is too obvious to need a comment.

Infinite pains have been taken to prove a reciprocal influence between the mental and corporeal faculties. It has been laid down as a maxim in the animal œconomy, that if any ſubject of a dangerous nature takes poſſeſſion of the mind, it may in ſome degree obſtruct the functions of the body; and having eſtabliſhed this hypotheſis it has been concluded, that as we deprived Lord Pigot of the government, kept him under arreſt, attempted to ſend him to Chingleput, and had it under conſideration to ſend him to England, that we gave riſe to diſagreeable ſenſations, which, they ſay, produced the diſorder in his Lordſhip's liver, and the putrid bile of which he died. But we beg leave to obſerve, that from the moment of his arreſt, to the turtle-feaſt at Mr. Monckton's, his Lordſhip enjoyed a perfect ſtate of health; that his diſorders were peculiar to this climate, and are generally occaſioned by indigeſtions, or by frequently being too much expoſed to the exceſſive heat of the ſun. We ſhall alſo remark to you, that, previous to his Lordſhip's illneſs, and for ſome time after, Farenheit's thermometer was at 95, 96, and 97 degrees in the ſhade.

Were it permitted us to recriminate, we would ſay, that the friends of Lord Pigot, who think proper to charge his death upon us, were, with a greater degree of probability, guilty of it themſelves, if, as they inſinuate, the affections of the mind have ſometimes a mortal influence on the body; for we aſſert, that they never left his mind at eaſe, but kept him in continual alarms of ſchemes to tear him from Colonel Horne, which he looked upon as his aſylum, of bodies of cavalry, and battalions of ſepoys, conſtantly in motion; of plans to ſeize upon his perſon, to bind him with ropes and ſend him to Gingee, or on board ſhip, in the moſt ignominious manner: in ſhort, we aſſert, that they took ſuch pains to teaze and torment him with informations of violence and unworthy meaſures, which never had exiſtence but in the great fertility of their own imaginations, that one would be led to think they wiſhed to ſacrifice his life to have the ſattsfaction of accuſing us of his murder.

A charge of homicide has not been thought ſufficient, and we are accordingly indicted for wilful and malicious murder; but we are at a loſs to conceive what the proof of our felonious intention, or pre-

meditated malice, can poffibly be. Lord Pigot had the range of the whole country, was treated with every mark of attention and refpect, had every military honour paid him, and enjoyed every convenience that the houfe he preferred to all others in India could afford. Thefe, we humbly apprehend, are not proofs of a malevolent difpofition. Had we had any intention to take away his Lordfhip's life, could fortune have thrown a more favourable opportunity in our way than when he refifted our orders to remove him to Chingleput? Were we capable of entertaining fo horrid an idea, we might have executed it then, and fheltered ourfelves under the law; for we will remark to you, that we were not only Members of the Government, but alfo Juftices of the Peace, and our lenity on that occafion, furely demonftrates, that we chofe rather to let pafs with impunity a refiftance to our orders on the part of Lord Pigot, and a difobedience on that of Colonel Horne and Colonel Eidingtoun, than that his Lordfhip fhould fuffer the leaft perfonal violence; and what can more evince at leaft the fame degree of attention and refpect in thefe gentlemen, than their rifking, upon a mere furmife of our intention, both their commiffions and their lives on this occafion, by difobedience to a pofitive order from their fuperiors in his Lordfhip's favour, notwithftanding an evident attempt to refcue him?

But fuppofing the mind and body to have their reciprocal influence on each other, and that the lofs of the Government, the arreft, his Lordfhip's reftraint from entering the Fort, his difappointment in the decifion of the Governor-general and Council of Bengal, and what, perhaps, occafioned more difagreeable fenfations than all the others, his feeing us in power: fuppofing all this to be true, yet we humbly fubmit it to you, that as no marks of violence appeared upon the infpection of his body, we are not guilty in the eye of the law of either murder or manflaughter; and that this is law, we beg leave to refer you to the firft volume of Lord Chief Juftice Hale's Hiftory of the Pleas of the Crown, where he fays, in page 429, "If a man, either by working upon the fancy of another, or poffibly "by harfh or unkind ufage, put him into fuch a paffion of grief or "fear, that he either dies fuddenly, or contracts fome difeafe of "which he dies, although it may be murder or manflaughter in the "fight of God, yet, in a human judicature, it cannot come under "the judgment of felony, becaufe no external act of violence was "offered, of which the common law can take notice:" and thus, Gentlemen, not guilty of murder or manflaughter in the fight of man, we are firmly perfuaded that we have not erred againft any

precept

precept of the divine law, or any principle of morality. Lord Pigot fell a victim to his own imprudence, and informed Dr. Anderfon, in his laft illnefs, that he thought he could tell the day that gave rife to his diforder, nay, the very hour; that he had been that day at work in the garden till very late, had expofed himfelf to the exceffive heat of the fun, and returning to Mr. Monckton's in a violent perfpiration, had taken a large draught of cold punch; to this Lord Pigot imputed his diforder, and not to us. Thus then acquitted by himfelf, and upon his death-bed, has not the prefent charge againft us more the air of premeditated malice, than any we ever difcovered againft him?

To form axioms founded on conjecture, and to deduce unfair and difingenuous confequences from them, in order to cover us with an opprobrium of the moft horrid nature, has it not the appearance of a more felonious intention to ftrike at our lives than we ever fhewed to attempt that of Lord Pigot? we humbly fubmit it to you, that it demonftrates a premeditated, malicious, and felonious intention to murder us in the bafeft manner, that is, under the colour of juftice. Were Lord Pigot really murdered, his memory is free from the imputation of fuch an atrocious crime; but his friends, who wifh thus to facrifice us to his manes, difcover, upon this occafion, a manifeft defire, not only to commit, with impunity, the very crime they charge us with, but at the fame time betray an inclination to throw a fhade of infamy on our graves.

We fhall here conclude, Gentlemen, and we are forry to have taken up fo much of your time, but we thought it neceffary to lay before you the circumftances that gave rife to the arreft of Lord Pigot, with our reafons for continuing it; and we fhall here remind you, that his Lordfhip's outrage in fufpending Meffrs. Stratton and Brooke, was the caufe only of our public proteft; but his conduct towards the Commander in Chief, in ordering him to be tried by martial law for complaining with us in his civil capacity of the violation of the rights of the Council, his expulfion of the entire majority of the Board, our perfonal fafety, his repeated acts of defpotifm, his impofing a renunciation on his Highnefs of all his claims to the Tanjore country, and threatening to put it in execution whether he confented or not; his perfonal infult to the Ally of the Crown of Great Britain, his declaration to treat him as a prifoner and to place a guard of Europeans at his houfe: thefe circumftances, fo repugnant to the true intereft of the Company, and to the faith and honour

nour of the nation, muſt naturally point out the impropriety of leaving the powers of Government in the hands of a man who could be controuled neither by principles of juſtice nor of decency, who was capable of the greateſt acts of violence, and who neither conſulted the peace of the Carnatic, nor the welfare of his honourable employers; and we truſt that there is no unprejudiced man who hears us, that is not convinced within his own breaſt of the neceſſity of the arreſt; and at the ſame time, that we are not only free from having in the leaſt contributed to haſten his Lordſhip's death, but that in conſideration of the great ſervices he rendered the Company during the laſt war, our conduct towards him was as mild and gentle as the convulſive ſituation of affairs would admit of: and we here cannot but deplore the cruel neceſſity his Lordſhip's pretended friends have impoſed upon us by this ſhameful proſecution, to diſcuſs thus freely his public and political character. Though he was our enemy and oppreſſor, our reſentment does not follow him to the tomb; and we ſhould be much better pleaſed if this trial gave us an opportunity of dwelling on his virtues than his faults.

[*It appears by Brigadier-General* Stuart's *Petition to the Justices, dated 19th* November 1777 (Page 188 of the preceding Collection), *that he considered himself, and the Officers who acted by his Order, in a different Predicament from the Gentlemen of the Council. He therefore thought it necessary to make a* SEPARATE DEFENCE *for himself and those Officers; which after he had drawn up and signed, he was prevented from giving in, by the Proceedings of the Inquest being quashed. The following is a Copy of that Defence, the Original of which, signed by Brigadier-General* Stuart *at* Madras, *is in the Hands of the Printer.*]

DEFENCE

OF

Brigadier-General JAMES STUART, *for himself and for the Military under his Command.*

Gentlemen of the Jury,

TO my utter astonishment, I appear before you, charged, in the first instance, by a number of men (whose names are to the paper * now in my hand) with the most heinous and atrocious crime that human nature is capable of, viz. the concerted, predetermined, malicious, and intentional act of murder, for such I conceive to be the meaning of the words *Wilful Murder*; of which greatest of all crimes those persons have taken upon themselves to charge me, and the other Gentlemen of the army there mentioned; who with myself, in

* The Inquest.

in respect to the act of arresting the late Lord Pigot, did no more than our duty, in obedience to the orders of our superiors both civil and military, according to every established idea of legal government within this Presidency, and according to the words and spirit of our respective commissions, and to the rules and discipline of war, the whole comprehended under our solemn oath of fidelity to the Honourable Company.

I therefore say, for myself, and if I am allowed to make the defence of all the army who acted by my orders, I likewise add for them, that neither I nor they, together or separately, are Guilty of the crime charged, viz. the *Wilful Murder* of the late Lord Pigot.

I produce the original order by which I acted, and by virtue of which I gave orders to all the military thus under my command. It is in the hand-writing of one of the Gentlemen whose names are to the paper; they are in number seven; and I know most certainly, that they formed a *majority* of the whole Council. This paper I saw wrote and signed, and received it in person from the Gentlemen.

Sir Robert Fletcher, whose name is to this paper, was at the time Commander in Chief of the Army; whose separate order to me, according to the rules and discipline of war, as my superior, in the very terms of my commission herewith produced, would of itself have been binding and obligatory on me; and he the Commander in Chief being himself of Council, together with the other Gentlemen all of Council (therefore the only persons responsible), he or they were at liberty to give or to refuse me any explanation of their orders, according as they thought proper. My duty was to obey him (Sir Robert Fletcher) the Commander in Chief, according to the express words of my commission; and I thought it, if possible, more my duty to obey the joint orders of a *clear majority* of Council.

I say, that the majority who gave me powers and orders were at liberty to decline entering into the particular motives of their conduct, if they had so chosen. But they did not refuse me any information; and they thought proper to publish to the army, as well as to the whole settlement, the reasons of their secession; as appears by the papers on record, and particularly by the circulation of the letter by a Notary Public. This was a sort of appeal to the unbi-

nbiaſſed judgment of the Settlement, as to what was or was not the legal government, or conſtitutional mode of managing the affairs civil, military, political and commercial of the Honourable Company, within the limits of this Preſidency.

As for my own part, without heſitation, I then believed, and even now, after all that has paſſed, I remain ſtill of that belief, that the acts of the *majority* of Council are alone binding in civil, military, political, and commercial affairs; and that whatever orders they iſſue to me, either as a majority of Council, directed to me in particular, or to the Commander in Chief, for him to communicate to me; or from the Commander in Chief of himſelf to me, as my ſuperior officer; I was then, by every reaſon of duty, and by my oath of fidelity, and by virtue of my commiſſion, as a military ſubordinate officer, bound to obey; the reſponſibility as well as the truſt being with him, and them, the majority of Council, the execution of their orders alone left with me. I obeyed accordingly, and in the manner ſet forth in my narrative upon record; which, though compoſed in haſte, is in every eſſential part exact.

The mode in which I executed the orders and inſtructions of the majority, did afterwards meet with their approbation, as appears from all the ſubſequent publications on their part, where that matter is touched upon.

And here I cannot help expreſſing my aſtoniſhment, that this heavy charge of *Wilful Murder* ſhould be brought againſt me, who in the manner of arreſting the late Lord Pigot, the evening of the 24th of Auguſt, ſhewed ſuch particular attention to prevent the ſmalleſt chance of any danger to his own perſon, or to that of any of his friends. The *management* on that occaſion (if it may be called ſo) aroſe from humanity and tenderneſs; otherwiſe there needed none: the whole was prepared, and at my orders. That *management* has been branded with every odious and infamous epithet, and *falſe aſſertions* have been made, to give colour to the ſcandal.—This digreſſion I hope you will excuſe on my part, who on this occaſion feel my honour equally as my life attacked; both which, however, I am at all times prepared to defend as becometh. I ſhall only add here, in regard to the act itſelf (without the review of ſubſequent occurrences), that after cool recollection of all circumſtances that preceded, accompanied, and immediately followed the arreſt of the late Lord Pigot, I now feel the greateſt ſatisfaction for

the part I took as the inftrument of Government; and I almoft defy the mind of man to have devifed any other way, in fimilar circumftances, to have effected it without danger of bloodfhed.

And here, notwithftanding the epithets given to thefe proceedings, I appeal to the memory of every man here living, and to the annals of hiftory, to fhew a fimilar inftance of regularity and good order; for after the act of arrefting Lord Pigot, to the minute of refigning the government into the hands of Mr. Whitehill, there has not been any act of violence; and no man, fo far as I know, has been imprifoned, or injured in his perfon or property, on account of irregularity.

This is demonftration, that there was neither anarchy nor confufion in the fettlement (as has been falfely reported), and that the minds of men were prepared for the event, and fatisfied with the neceffity of the meafure. It furnifhes, moreover, the cleareft proofs of the good difcipline of the army, who, from the neceffity of the cafe, were the inftruments in the hands of the then Government to affert the rights of the *majority of Council.*

To return to my defence againft this heavy charge: After fhewing you the orders and inftructions by which I, as a military fubordinate officer, then acted, and that part of my feparate commiffion as Colonel, according to which I took the oath of fidelity to the Honourable Company; I fhall now endeavour to fhew, that the words *Governor* and *Council*, inferted in the body of that commiffion, can only mean the *majority of Council*; and I venture to fay, that no man who did not delight in quibble, rather than plain fenfe, or plain inference, ever yet doubted the truth of this propofition.

Here, however, I beg leave to obferve, that in refpect to myfelf, and to the officers or others of the army who obeyed my orders on the occafion, the proving that the *majority* really has the powers of the Governor and Council, in fpite of the Governor himfelf; I fay, that as to the military fubordinate officers, this proof is not neceffary, becaufe in our commiffions, after the words "*And you are at* "*all times to obferve and follow all fuch orders and directions as you* "*fhall receive from us, our Prefident and Council aforefaid,*" follow thefe clear words, "*or any other your fuperior Officer, according to* "*the rules and difcipline of war,* &c." Which laft words fhew to demonftration the nature of the fubordinate military fervice; which indeed

indeed could not poſſibly be carried on for the good of the community, if nice points of political government, or reaſons of ſtate, or the *conſtructive ſenſe of words*, were to be left to the private opinions or deciſions of military officers before they executed the orders of their ſuperiors. Neverthelefs, I now proceed to ſhew, that the words *Preſident* and *Council*, in the body of my commiſſion, can only mean the *Majority of Council*; becauſe, beyond the power of doubt or of quibble, the following are the expreſs, clear, unrepealed, ſtanding orders of the Honourable Company:

Standing Orders, dated January 1678, Paragraph 54th.

"*Whatever ſhall be agreed on by the majority, ſhall be eſteemed the*
"*order by which each one is to act; and accordingly every individual*
"*perſon, even the diſſenters themſelves, are to perform their parts in*
"*the proſecution thereof; and in ſo doing they do their duty, and muſt*
"*not be blamed for the event.*"

Inſtructions to Mr. Pitt, dated 9th March 1702.

"*We do ſtrictly enjoin, that all our affairs be tranſacted in Coun-*
"*cil, and ordered and managed as the Majority of the Council ſhall de-*
"*termine, and not otherwiſe, upon any pretence whatever.*"

Becauſe in the body of the Commiſſion of Government, and particularly where the word *Soldiers* occurs, it is ſaid,

"*And we do hereby give and grant unto our ſaid Preſident and*
"*Governor George Lord Pigot, and to our Council aforenamed,* or the
"major part of them, *&c. full power and authority from time to*
"*time to rule and govern all and every our Factors and Servants*
"*under the ſaid Preſidency, and* all the Soldiers, &c."

Becauſe, in the Commiſſion of Lord Pigot as Governor, it is ſaid,

"*That he, as ſuch, is ſubject nevertheleſs to all ſuch rules, orders,*
"*and inſtructions, as have heretofore been given to the Preſident and*
"*Council of Fort St. George aforeſaid.*"

Beſides, in the inſtructions 1774, the Governor and Council have expreſsly the power to ſuperſede, alter, or annul any ſpecific act either of the Governor or the Commander in Chief.

 Inſtruc-

Inſtructions *per* Aſhburnham, 1774, Paragraph 51.

"*That if the Governor-general and Council ſhall at any time think*
"*proper to iſſue orders under their hands, or by their Secretary, to any*
"*officer in the army, and thereby to ſuſpend or ſuperſede the ſpecific*
"*commands of the Governor-general, or military Commander in Chief,*
"*ſuch orders ſhall be implicitly obeyed.*"

Can we then, without the greateſt abuſe of common ſenſe, deny, that the *Majority of Council* is alone meant by the words *Governor and Council?*

After eſtabliſhing the above clear propoſitions, to ſhew what is the Government, need I add any arguments drawn from the abſurdity of allowing a power to the Preſident, ſuch as is contended for by the Gentlemen of that ſide, viz. That the perſonal conſent of the Preſident is eſſentially neceſſary in every act of government: That no other can propoſe or agitate any queſtions in the firſt inſtance: That he alone can adjourn or ſummons any meeting of Council; and other excluſive prerogatives, which amount to a Poliſh *veto*, upon every public or private queſtion before the Board, and which, in fact, would reduce the Council to a ſet of inſignificant puppets.

But in truth, neither according to the tenets held by the late Government, when they ſeparated from Lord Pigot and his aſſociates; nor, as I am informed, according to the expreſs orders of the Eaſt-India Company, after the fulleſt information of all the late diſputes, and received by the Swallow in Auguſt laſt, *though not yet publiſhed*, does ſuch excluſive power lodge in the Preſident here: on the contrary, excepting the *caſting vote* upon an equality, no other power is lodged with the Preſident, than is inherent in every other Member of Council.

As to the objection which I hear is *now* ſtarted in regard to the *want* of *form* in not meeting in the Fort Square, in not inſerting the word *Preſident*, or in not giving *regular ſummons* by the Secretary, previous to the orders and inſtructions delivered to me, by the ſeven Members of Council, on the 23d of Auguſt, 1776, I can only ſay, that in that criſis I, and I ſuppoſe alſo thoſe members, looked to *ſubſtance* and not to *form*.

They

They muſt have known perfectly well, that ſo long as Lord Pigot was in the Fort, as Governor and Commander in Chief, he would not obey any bit of paper from the civil power in the uſual forms of law; alſo, that in regard to perſonal ſecurity or prudence, it would not have been proper for the majority of Council to have attempted meeting in the Council Chamber in Fort Square. They knew moreover, that the Secretaries were not to be found at the time, and the ſecrecy of the meaſure might make it neceſſary, that a member of the majority, at ſuch a criſis, ſhould himſelf officiate as Secretary (as was the caſe), thereby, in my opinion, authenticating more fully their reſolutions; beſides, common ſenſe pointed out, that the act of a notary-public anſwered fully every public purpoſe of promulgating the orders of government; and the omiſſion of the word *Preſident*, which the majority might have inſerted if they pleaſed, ſeemed to me a mark of their candour. All theſe reaſons, and as looking to the ſubſtance, and the material parts of buſineſs at that criſis of affairs the 23d and 24th of Auguſt, made me conclude, and I dare ſay, it had the ſame effect upon all who acknowledged the late Government, that in their public manifeſtos, or orders, if they did not follow every immaterial punctilio, ſuch as a regular ſummons through a Secretary, regular meetings in the Fort Square, or the inſertion of the word *Preſident*, it was owing either to neceſſity, or that they did not conſider it as eſſential.

Will any man of common candour, laying his hand on his heart, after allowing that the majority of Council is the legal government, either with or without the Preſident, ſay, that the omiſſion of theſe formal and not eſſential things and words; I ſay, will any honeſt man think or ſay, that by ſuch omiſſion, the acts of a *Majority*, or of thoſe who obeyed their orders, are thereby neceſſarily vitiated, and the conſtitution violated, to the degree of impreſſing and ſtamping every act of that government with the dangerous epithet of *uſurpation;* which implies illegality, and may indeed produce anarchy and lawſuits without end. I here in my own name, in reſpect to what concerns me, appeal againſt ſuch a ſentence, to the juſtice, the equity, the liberal conſtruction, and common ſenſe of mankind in general.

The concluſion I draw from what precedes, is, that if the government of this ſettlement is conſtitutionally veſted in the *majority of Council*, and if it was expected of that majority to aſſert their authority,

thority, he, Lord Pigot, and his aſſociates, were the aggreſſors, and conſequently the original cauſe of any ſubſequent violent meaſures, becauſe all the circumſtances of the late Lord Pigot's conduct, in regard to the expulſion of Meſſrs. Stratton and Brooke, neceſſarily forced the majority to take the ſteps they actually followed; conſidering what they knew of Lord Pigot's power, as military Governor and Commander in Chief, and perhaps, what they had reaſon to expect from the knowledge they had of his turn of mind and temper.

And now being called upon in my own defence, and in that of the officers, &c. of the army who followed my orders, I ſhall take leave to ſay a few words as to the degree of proof offered to the perſons who are ſaid *unanimouſly*, and upon oath, to have given their opinions, that *I was guilty of wilful murder*;—and without mincing matters, I will venture to ſay, at all riſks, that the annals of the Britiſh hiſtory do not produce an inſtance of twelve men, aſſuming the name of Engliſhmen, or even Engliſh ſubjects, who, upon ſuch ſort of proof, ever gave ſuch a cruel, irrational, inequitable ſentence, falſely called a verdict. In ſaying ſo, I ſhall, to ſupport my opinion, chiefly adduce the aſſertions uſed in what is called the informations of certain perſons, moſtly the reputed friends of Lord Pigot, ſaid to have been examined upon oath by this meeting of theſe twelve men.

And here, leſt I ſhould forget, I beg your attention to the ſtyle of the informations, which to me ſeem to be as anſwers to certain queſtions leading to prove and eſtabliſh a favourite ſyſtem, adopted by that meeting, in order, by all artful means, to fix intentional guilt in the conduct of thoſe who took an active part in the change of government the 23d and 24th of Auguſt 1776. The plan and ſyſtem ſeems as if meant to prove, that the mode of arreſting Lord Pigot, the detaining him in arreſt, the attempt to carry him to *Chingleput* (which is repreſented as if meant for *Gingee)*, and above all, the project of ſending him to England by the Lioneſs, made ſuch an impreſſion on Lord Pigot's mind, that it brought on the diſeaſe of the liver, the bilious putrid fever, of which he recovered, and alſo, that increaſed liver complaint and bilious fever, which afterwards attacked, and in the end carried him off.

This

This I ſay ſeems to be the ſyſtem of the meeting called the Inqueſt, and you will find all their ſett queſtions were of the leading kind, to eſtabliſh it.

I ſhall, as ſhortly as poſſible, analyſe ſome of the principal informations, in theſe parts which are applicable to any idea or connection betwixt Lord Pigot's ſituation, while under reſtraint at the Mount, and any outward appearance, which, in my opinion, can give authority or ſanction for an honeſt impartial judge by the laws of his country, by common ſenſe, or common conſcience, to declare to his certain knowledge and conviction, that I, or the Gentlemen whoſe names are by them dragged into public view, are guilty of the moſt horrid of all crimes, the *wilful murder* of Lord Pigot.

I premiſe in this place, that, in my humble opinion, this is the firſt inſtance where the vague uncertain reaſonings of ſhort-ſighted mortals, as to the effect of the mind upon the body, the time, manner, and force of ideas operating upon matter, was ever brought by Engliſhmen, or any other men, to eſtabliſh facts of ſuch gravity or importance; for what can be more abſurd, nay impious, than in ſuch caſes, to reaſon and draw conſequences from the uncertain ideas of the operations of the human mind upon the body; or from ſuch ſort of proof, to form a judgment of the malicious intentional guilt of a third perſon?

The laws of our country (according to what I have heard) have in ſuch caſes left nothing to ſentiment, conjecture, or idea. To eſtabliſh the horrid act of *wilful murder*, the clear eye, or the unbiaſſed judgment muſt follow the hand of the murderer, and his malicious views and deſigns, without a halt or doubt, to the very minute of executing the fatal deed.

I never looked into a law-book in my life, ſo far as I remember, neither have I conſulted, or been aſſiſted by any lawyer, or any perſon whatever, on this occaſion; but common ſenſe defines *murder* thus in my opinion, and ſo far as I know of the manner of trying this queſtion by the laws of England, it ſeems to admit of this conſtruction, becauſe of the unanimity neceſſary to decide as to the real criminality of a perſon accuſed; this admitted, let us now ſee on what evidence theſe twelve perſons accuſe me and others of *wilful murder*.

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In this place, I think it proper to inform you, that I was abſent from the Preſidency on the public ſervice, during the whole period of Lord Pigot's illneſs, and at the time of his death. His Lordſhip was known to have been in perfect health the 11th of February, when I left the Preſidency, he died on the 11th of May, I did not return until the end of June.

To begin with what is mentioned in the *Diary* of the ſuppoſed inqueſt, ſigned a true copy by William Sedgeley, Clerk of the Peace. It is remarkable, that when the perſons who were called together by the ſuppoſed Coroner, and in the Diary are ſtyled the jurors, had been ſworn *over* the dead body of Lord Pigot, the two principal Surgeons of the ſettlement, Meſſrs. *Paſley* and *Anderſon*, are aſked, Whether, from a further inſpection of the body, and particularly from opening it, they can with greater certainty trace the cauſe of his death. Mr. Paſley pointedly replied: "*That a* "*diſeaſe was the immediate cauſe of Lord Pigot's death*; that he ap-" prehends, the jury are deſirous of knowing the cauſe of that "diſeaſe; and that in his opinion, the cauſe of the diſeaſe of which "Lord Pigot died, cannot be diſcovered by opening the body." Mr. Anderſon replied to the ſame purpoſe, and told them, "That "he had brought the proper inſtruments, if it was thought ne-"ceſſary to open the body." Upon which the (ſuppoſed) jury, conſidering, "That if the Surgeons cannot acquire any further "knowledge of the cauſe of the diſeaſe, of which Lord Pigot "died, by opening the body; they think it unneceſſary that the "body ſhould be opened;" and the body was accordingly buried the ſame evening.

The clear inference which I draw from this firſt and leading part of the proceedings of the ſuppoſed Inqueſt, is, That there were no marks of *violence* or *poiſon*, after the moſt careful view of the body of the late Lord Pigot; on the contrary, there was the opinion of two men able in their profeſſions, and of undoubted good character, that Lord Pigot died in conſequence of *diſeaſe*, and therefore I ſay a *natural death*.

And here, according to my idea of impartial juſtice, a ſtop ſhould have been put to any future criminal proſecution, whether by inqueſt, or otherwiſe; for as the ſuppoſed Jury were ſatisfied of the truth of Meſſrs. Paſley and Anderſon's declarations, all their future

inquiries

inquiries could only tend to metaphyſical queſtions, or to hear the gueſſes of individuals regarding the manner, time, and force, of the paſſions operating upon the mind and body; and I believe their meeting afterwards, and continuing by adjournment to meet, at the houſe of George Smith, who is called the Foreman, under the aſſumed form of Jury or Inqueſt, is the firſt inſtance where the venerable name of Engliſh law was made uſe of for ſuch purpoſes.

The fact then is admitted, that Lord Pigot died of *diſeaſe*, and that no unnatural ſigns or marks of violence appeared upon his body.

I obſerve alſo in this Diary, that at one remarkable period, upon Monday the 30th of June, on collecting the voices of the twelve perſons who are ſaid to compoſe the ſuppoſed Jury, ſix of them were of opinion, that the offence incurred by the death of Lord Pigot can be conſidered as no leſs than *murder*, and ſix deemed it as amounting to *manſlaughter* only. On which, it ſays, the Coroner obſerves, *that the voices being equal it muſt be reconſidered*; if this is law, I know not; but I am ſure, in my opinion, it is repugnant to any idea of juſtice and mercy, becauſe the difference of judgments admits of the greateſt doubts of the real criminality.

The *Diary* is ſilent as to the arguments uſed by the Coroner or others, to bring over the ſix men, whoſe manſlaughtering mercy, I ſhould for my own part, give them no merit for, becauſe equally as abſurd as the others direct unjuſt cruelty. I only find that they too gave way, for I ſee twelve have ſigned their names to this cruel opinion, which, ſo far as in their power, conſtitutes me a *murderer*.

I believe ſuch grounds for judgment, and ſuch ſport with any man's life, was never before exhibited; for in fact, in the way this Inqueſt have now determined, it had been a better chance for me, if the Coroner had put my fate in his hat, on two ſlips of paper, *life* or *death*, and that *another*, not the *Coroner* himſelf, had drawn my fate, according to the practice of the India-Houſe in caſes where there is an equality.

This Inqueſt, as I am credibly informed, went to England by the Hector in July, ſo far at leaſt as regarded the proceedings then taken, and before the final verdict; and I am undoubtedly informed,

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that the whole of the proceedings, together with the verdict, were transmitted to England by the Swallow, the 21st of September. The purposes there meant to be served (before I and others had an an opportunity of giving a defence) may without difficulty be guessed at.

A comparison of dates is often of great use to put facts in a proper point of view, and I beg your attention to the following extract of the said Diary.

11th of May. Lord Pigot's body inspected, and no marks to indicate unnatural death. He is buried;—the supposed Inquest adjourn to George Smith's house.

They continue to do business *in their own way*, adjourning from time to time.

30th of June. This supposed Jury divide, six of them pronounce the offence in law to be *murder*, and six say it is only *manslaughter*, on which the Coroner desires to have it reconsidered.

N. B. Mr. Dalrymple's first accounts, so favourable to the friends of Lord Pigot, are received at Madras the 3d of July.—*This note is not marked in the Diary.*

30th of July. The supposed Jury find their verdict. *Murder.* 7th or 8th of August, The supposed verdict signed.

I find moreover in the same Diary, that on the 5th September, the minutes of the supposed Jury are again read in the house of George Smith the supposed Foreman; at which time two of the supposed Jurors, Messrs. De Fries and Ewing, deliver in letters, declaring their reasons for signing the verdict, *contrary to their private opinion.* This signing indeed is most extraordinary in them, and I should be glad to be informed, what arguments had been used by the Coroner, or by any other person present, to induce them to put their names to such a verdict; for I find on the 24th September this supposed Coroner held these Gentlemen to their subscriptions, and wrote to them, that he had thought it improper to comply with their request, which was only to enter their letters upon the minutes of the proceedings of the supposed Inquest.

Thus far I have remarked upon this ſuppoſed inqueſt, which after admitting, that there was no outward appearance of violence, or marks to cauſe ſuſpicion, on the body of the late Lord Pigot, and having the poſitive declaration of Meſſrs. Paſley and Anderſon, that he died of *diſeaſe*, yet, nevertheleſs, they the ſuppoſed Coroner and Jury did afterwards meet at the houſe of George Smith, and continued to meet as a ſuppoſed Court of Inqueſt, from the 11th of May to the 7th or 8th of Auguſt, or even the 24th of September following, the ſpace of three months, chiefly to aſk pointed queſtions, and opinions concerning the cauſe or cauſes of the diſeaſe of which the late Lord Pigot died; which to the Europeans of this ſettlement is univerſally known to be the lot of almoſt every one (mine it has been ſeverely) reſident here, at ſome one period of his life; for the diſeaſe that affected Lord Pigot in the firſt ſtage (of which he recovered to all appearance), and alſo after the relapſe, and of which he died, *was a putrid bilious fever, originating in a diſordered liver.*

Now let us collect from the declarations of the following perſons, many of whom the intimate friends of Lord Pigot, what degree of certainty, even in their ideal proof, is eſtabliſhed by this metaphyſical Court of Inqueſt.

Meſſrs. *Paſley* and *Anderſon*, on reviewing the body in preſence of the Twelve, declare, Lord Pigot died of diſeaſe, as has been already noticed, and nothing unnatural therefore appeared upon the body.

Mr. *Ruſſell*, who ſays that from the time of Lord Pigot's laſt arrival in India, he was hardly one day abſent from him (excepting when Lord Pigot was at Tanjore), *declares*, That during Lord Pigot's confinement his health appeared to be very good, until the *fifth or ſixth day of March*, though his Lordſhip's friends thought the diſeaſe which the Surgeons repreſented to be bilious, might have been lurking in his body for ſome time. Suppoſe this time to be eight or ten days, becauſe Mr. Ruſſell mentions *actually* that time; this, at the utmoſt, brings the firſt notion of the *lurking ſtage* to the laſt week of February. He adds, That Lord Pigot grew better towards the end of March, and that he relapſed in the beginning of April.

Here then by Mr. Ruſſell's declaration (who ſaw him daily) is the *viſible* beginning of Lord Pigot's bilious diſorder, brought to the

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fifth or sixth of March, and by conjectures of his friends the *invisible* beginning, to the last week of February.—Lord Pigot gets to all appearance well, and afterwards relapses.

Mr. *Monckton*, son-in-law to Lord Pigot, declares, That during the first part of Lord Pigot's confinement, he was in very good health, and that his illness was first apparent about the fourth or fifth of March; that Lord Pigot towards the end of March got better a good deal; early in April he was again taken ill, and continued growing worse, &c.

Now let us see what Mr. *Stone* says: Mr. Stone went to reside at the Mount, the beginning of October. This person says, That Lord Pigot appeared to enjoy a good state of health, until the latter end of December, or beginning of January; he (Stone) *had already said*, That his Lordship's spirits from that time appeared not so good as before, and that he seemed full of anxiety. Mr. Stone adds, That Lord Pigot was taken ill some time between the first and eighth of March.

N. B. When any person gives his opinion, as is the present case upon oath, I wish to attribute all difference of expression to shortness of memory, or mistaken judgment of appearances.

Here is then a difference of two months as to the beginning of Lord Pigot's disease, in the opinion of Mr. *Russell*, who never quitted him a day, and also of Mr. *Monckton*, from that given by Mr. *Stone*. But Mr. Stone had formed to himself a system, and he judged for Lord Pigot differently from his bosom friends, Mr. *Russell* and Mr. *Monckton*, and I believe from *Lord Pigot* himself, and every other person who then lived at the Mount.

Mr. Stone labours to prove, That Lord Pigot's health was directly affected by the letter of the late Government to Bengal, and the reports about sending him home by the Lioness. Now, unluckily for this hypothesis, the dates are as follows:

The letter to the Governor-general and Council for an opinion concerning the removal of Lord Pigot is dated the 19th of October. The reports current in this settlement were about 20th or 21st October. The note of Mr. Stratton, which really did remove these apprehensions, was dated 7th January; the official notice the 20th January.

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The inference I wiſh to draw from theſe two accounts is, that if we ſee men in habits of intimacy with Lord Pigot, differ in opinion ſo widely even in the *viſible* outward appearances of his illneſs, how much more reaſon have we to diſtruſt the opinion of people who reaſon upon *immaterial inviſible* ſubjects.

In ſhort, I believe every perſon who was examined, except *Mr. Stone*, agree in their accounts, that to all outward appearances Lord Pigot enjoyed an uninterrupted ſtate of good health until about the beginning of March, and it ſeems from the examinations to be generally agreed, that Lord Pigot did unneceſſarily expoſe himſelf to the ſun by working in the garden, appearing without his hat; and perhaps his Lordſhip injured his health by abſtaining from the uſual exerciſe in the chaiſe; but this laſt ſort of exerciſe, or any other he thought proper, was in his power at all times to have had if he ſo choſe.

I ſay, therefore, that in what concerns Lord Pigot's illneſs, both firſt and ſecond, nothing appeared but what may be aſcribed to natural cauſes; I mean ſuch as are incident to every perſon in this ſettlement, whether under reſtraint or not; for I believe there is no law to juſtify in ſimilar caſes any conjecture or opinion in regard to the impreſſions of Lord Pigot's mind upon his body, ſo as to infer intentional guilt on the part of thoſe who, for reaſons of ſtate, put ſome degree of reſtraint upon him, to prevent his entering this fortreſs, which might have been of real bad conſequences to himſelf, as well as to his friends, and alſo to the public; and if any expreſſions of perſons on examination denote a degree of certainty, that this reſtraint did contribute to his illneſs, the utmoſt that can be inferred from it is, that it is matter of their private opinion, but no legal evidence or ſufficient proof.

I ſee by the Diary, that the ſuppoſed Jury had a fixed plan to inveſtigate theſe operations of the mind, and in conſequence examined ſeveral perſons. I do not think it at all neceſſary to repeat what was only their conjectures; but it well deſerves notice what *Doctor Anderſon* poſitively ſwears to, *viz.*

" *That Lord Pigot told him he (Lord Pigot) could almoſt tell the*
" *day when he became ill; he had been working in the garden till late*
" *in the ſun, that he came in very hot* (as Mr. Anderſon thinks Lord
" Pigot ſaid) *to Mr. Monckton's houſe and drank ſomething* (he thinks
" he ſaid Punch), *and was very much over-heated, &c.*"

Mr.

Mr. *Anderson* afterwards obferves, " That as to the impreffion on " the mind of Lord Pigot, occafioned by the attempt to remove him " from the Mount, he thinks in compliment to Lord Pigot's me- " mory it could have no confiderable effect, *becaufe he underftood " that Lord Pigot enjoyed a great degree of health for fome time after " that attempt.*"—And as to how long my Lord Pigot's difeafe might have been *dormant* in his conftitution, before the *vifible* effect of it appeared, Mr. Anderfon thinks " *that Lord Pigot had no local " difeafe in the parts which were afterwards affected, till the time " that he was overheated as before mentioned.*" Mr. Anderfon further obferves, " *That the feafon of the year during Lord Pigot's ill- " nefs was the hotteft feafon of the year, and that Farenheit's Ther- " mometer was at* 95, 96, *and* 97 *degrees every day at that time in " the fhade.*"

I fay that this information of Mr. Anderfon, which conveys the very ideas of Lord Pigot himfelf, with regard to the immediate caufe of his illnefs (whether the firft or fecond attack is immaterial), of itfelf outweighs volumes of other people's conjectures; befides that it conveys other effential circumftances, amounting to the greateft degree of certainty, that Lord Pigot's illnefs arofe from ordinary and natural caufes, peculiarly incident to the human body in this climate;—and with this clear evidence I fhall clofe what I have to fay on the fuppofed Jury or their Diary.

I am really at a lofs to know, what are the real true motives of the perfons who call themfelves Lord Pigot's friends, in endeavouring to perfecute me and others, even to death, upon fuch fort of proof; furely they pay but a poor compliment to his memory, to fuppofe that he was overborne by the circumftance of his fituation, to fuch a degree affecting his fpirits, and his health, as to occafion his death: I ever had, and ftill have a much better opinion of Lord Pigot's fpirit and fortitude of mind, which I believe he poffeffed in a very eminent degree, and there is nothing in fair proof appears to the contrary.

I have already faid enough as to the uncertainty and fallacy of human reafon, in judging concerning any other perfon's thoughts and feelings; I muft here add, that were we to admit in Lord Pigot's cafe, that the agitation of his mind, on account of the political differences in the fettlement, did contribute to the illnefs of which he died, it will be found, that his own fuppofed friends, as

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alſo the Governor-general and Council of Bengal, have their ſhare of guilt in this reſpect, in common with the late Government; the firſt, in teizing him with alarms, and ſuppoſed plots, and hearſay ſtories; the other, in giving their opinion according to what they thought was their duty; for we obſerve in Mr. Haliburton's information, that when he brought from Mr. Stone or Mr. Ruſſell, the copy of the Governor-general and Council's letter about ſending Lord Pigot home, he (Lord Pigot) read it with ſeeming agitation; and Mr. Haliburton ſays, he remembers perfectly the ſtrong expreſſion Lord Pigot made uſe of, *Would you not think*, ſays he, *they are treating me as a mad dog*. Mr. Haliburton adds, that he perceived his Lordſhip's ſpirits to be depreſſed, and a viſible alteration on him ſince the time of the intention of ſending him home was known to Lord Pigot; and yet, as is obſerved before, ſuch evident change was not obſervable to Mr. Ruſſell, to Mr. Monckton, nor, as it ſeems, to Lord Pigot himſelf, before the end of February or the beginning of March.

On this occaſion, I take leave to ſay, that Lord Pigot's memory is injured by ſuch conjectures or aſſertions, at leaſt, if I may be ſuffered to ſpeak of myſelf, in my preſent ſituation, I ſhould not think that by ſuch reaſoning I was obliged to any perſon, nor would I therefore look upon him as my real friend.

My caſe is ſingular enough; I at preſent find myſelf, contrary to every reaſonable hope or expectation, or aſſurance before leaving England, ſuſpended, and even ſuperſeded, in the Company's ſervice, by orders of ſuperiors at home, *without a fault alleged*; unjuſtly charged at the ſame time with the moſt atrocious crime poſſible, and ſubject to the courſe of law in the ſettlement, where I had the honour to command the army, and where I am bold to ſay, I had conſcientiouſly done my duty, in every reſpect, with the greateſt degree of ſelf-denial; I ſay, were I in theſe evident preſent ſufferings, to allow my imagination to increaſe them by adding or anticipating other misfortunes, or if I were voluntarily to deny myſelf the proper or uſual food, exerciſe, and amuſement, the natural conſequence, in all human probability, would be a ſecond fit of illneſs, perhaps fatal; and if ſo, I aſk, Would my honourable employers think it juſt to be accuſed of *murder*, becauſe they were pleaſed to order me to be ſuſpended or ſuperſeded for reaſons beſt known to themſelves? No; I believe that no jury in England would be found to give ſuch a verdict; for my own part, I here declare, that ſuch ſort of re-

venge or recrimination would be a cenſure on my memory, for I ſhall endeavour to ſhew myſelf ſuperior to ſuch accidents, and if I die at this time, I truſt my friends will ſo far reſpect my memory, as never to ſuppoſe, that I ſuccumbed under the preſſure of ſuch misfortunes, or that it was in the power of any man, or body of men, to make me ſo far forget the part of a man of true fortitude.

I have thus, at more length perhaps than was neceſſary for my own defence, as a ſoldier acting under orders, or for the defence of Lieutenant-colonel Horne, Captains Lyſaght and Edingtoun, and others who acted by my orders, entered into the merits of the charge before you, but I hope the public motives will ſerve as an apology, becauſe although I am only reſponſible for the execution of the orders given me the 23d of Auguſt 1776, yet, after the fulleſt information from the Gentlemen of the late Government, I took my part, and I did it from the cleareſt conviction of the neceſſity of the meaſure at that criſis; and therefore I think myſelf intereſted on their accounts, as well as my own, to endeavour to carry to your minds the ſame degree of conviction, which I then felt, and now feel in my own mind, as to the neceſſity of the times, and as to the innocence of the late adminiſtration, with reſpect to any wilful intentional acts affecting Lord Pigot's health or perſonal ſafety.

But in regard to my own defence, againſt the heavy charge or imputation of *wilful murder*, and what reſpects the officers or others of the army, mentioned in the ſuppoſed verdict, I truſt from what I have already ſaid, and from the words and clear meaning of my commiſſion, from the practice of military ſervice in all countries; but more particularly, as being held by the ſacred oath of fidelity to the Honourable Company, according to my commiſſion, which at the time was ſubordinate to that of Sir Robert Fletcher, that you, Gentlemen, will ſee I was bound to obey the order of him (Sir Robert Fletcher) my ſuperior at the time, according to the rules and diſcipline of war; he (Sir Robert Fletcher) was of the Council, and reſponſible, and I ſaw his name joined with a clear Majority of Council, which together I obeyed, not only as a ſoldier, for the reaſons already ſtated, but as the joint legal repreſentatives of the Honourable Eaſt India Company, who had a right to command my obedience, without entering into any explanation, ſeeing that at the time I had no claim to a ſeat or voice in Council.

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For all theſe reaſons, and for others which I do not mention, becauſe I truſt they muſt occur from your own knowledge of the proofs adduced, and your equitable conſtruction of the laws and conſtitution both of England and of the Eaſt India Company, in the government of their concerns within this preſidency, I poſitively deny the truth of the charge or imputation conveyed in the ſuppoſed verdict, and declare in your preſence, before God, and to all the world, that I am not, in any ſenſe or reſpect, either by act, intention, or thought, guilty of the wilful murder of the late Lord Pigot.

(Signed) Ja. Stuart.

[*The Court of Directors in their Letter of the* 11*th of June* 1777, *having ordered the several Members of the* Madras *Council to proceed to* England, *Mr.* Stratton *and Mr.* Brooke, *a few days after the termination of the proceedings before the Justices, set out over-land for* Anjengo, *having sometime before ordered a vessel to meet them there and carry them to* Suez.

The other Members of the Council who remained at Madras *for an opportunity of returning by seu, had agreed to raise a criminal action against Mr.* Ram, *the Hon. Mr.* Monckton, *and others, concerned in holding this Inquest, as having wilfully and maliciously conspired to deprive them of their lives and good fame, and praying such redress as the enormity of the case required, for the public safety, as well as for the vindication of their honour.*

This intended prosecution having been made known to the Governor and Council at Madras, *they, for reasons of government, expressed an earnest desire that it should be delayedf or a time.*

In compliance with this request of the Governor and Council it was agreed to wave it until the meeting of the Quarter Sessions in January 1778; *but when that time came, the same public reasons still subsisting, the Gentlemen who were to have carried on this prosecution addressed the following letter to the Governor and Council.*]

To the Honourable JOHN WHITEHILL, *Esq*; *President and Governor*, *&c. Council of* FORT ST. GEORGE.

GENTLEMEN;

THE public records, which we suppose are transmitted to the Honourable Company, will shew in what manner we have been illegally and maliciously treated, by certain persons within this settlement, who promoted and took part in the supposed Coroner's Inquest and Verdict, soon after the demise of the late Lord Pigot. So far as depended on those promoters, or members, of the supposed Court of Inquest, our characters, our fortunes, and our lives, were brought in danger. The conduct of that illegal and partial meeting, held under the borrowed name of English Law, has been, as you know, condemned by the unanimous opinion of the Judges at Bengal, and by the Court of Sessions here, and of course afforded us just grounds for ample satisfaction, if we had had solely in view our own private passions or feelings.

We thought it our duty some weeks ago, to represent to you, that, on public ground, as well as for private redress to individuals, who had been illegally accused and confined, we meant to commence a criminal prosecution against those persons for a conspiracy.

Your stating to us the then situation of the Settlement, and in what degree you supposed such a prosecution might affect its peace and welfare, and the interest of the East India Company, had such weight with us, that, without hesitation, we resolved to sacrifice all our private feelings of injury, to what you thought would tend to the good of the Honourable Company's affairs, by waving all prosecution until the meeting of the Quarter Sessions, to be held this day.

We now acquaint you, that although we are fully convinced, that the laws of our country would afford us ample redress for the illegal treatment we have met with; yet, as the same reasons subsist

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at this present hour, which you then urged, in expressing your wishe that the prosecution might be waved, we now take occasion to declare, that, we will not, at this time, proceed further, in a business which might necessarily draw your attention from the affairs of Government intrusted to you; and we doubt not, from this representation of our genuine sentiments and of the uniform conduct we have observed ever since in the Company's orders, have been known to us, that they will do us the justice to believe, that the public good has been the leading principle of our conduct.

We are,

Honourable Sir and Sirs,

Your most obedient and
most humble servants,

Fort St. George,
14th January 1778.

(Signed) James Stuart,
Geo. Mackay,
Arch. Palmer,
Charles Floyer.

To Brigadier General JAMES STUART.

GEORGE MACKAY,
ARCH. PALMER, and
CHARLES FLOYER, } Esquires.

GENTLEMEN,

WE have received your letter of the 14th instant, and it is with pleasure we observe from it, a disposition in you to avoid any act, that might tend to disturb the happy state of tranquility, to which this Settlement hath of late been restored. The welfare of the Company's affairs so indispensably requires a continuance of that tranquillity, that we cannot but express our satisfaction at the regard you have shewn for the Company's interest, by suppressing all feelings of private injury, and refraining from a prosecution, which, in its consequences, might prove detrimental to their affairs. In this light, we mean to represent your conduct in this instance, as well as in that of a few weeks ago, to the Honourable the Court of Directors, and in the mean time, we have been induced to signify thus much to you, as a public mark of our approbation.

We are,

Gentlemen,

Your most obedient servants,

Fort St. George,
17th January 1778.

(Signed) JOHN WHITEHILL,
CHARLES SMITH,
SAM. JOHNSON,
P. PERRING.

Extract of a Letter from the Governor and Council of Madras *to the Court of Directors of the* Eaſt India *Company, received by the* Houghton *in* Auguſt 1778.

IT is with pleaſure that we now inform your Honors, that ſince the termination of the above proſecution*, your Settlement hath gradually returned to its former tranquility and good order; and is at preſent in a much happier ſtate than could reaſonably have been expected, conſidering the violent animoſities with which we found it agitated, when we firſt took upon us the management of your affairs. We have made it our ſtudy, in every inſtance, to conciliate the differences which had ſome time ſubſiſted betwixt your ſervants and others, reſiding within this Settlement, and have the greateſt ſatisfaction in aſſuring you, that our endeavours have met with ſucceſs.

It is a juſtice, however, that we particularly owe to the Members of the late Government, to obſerve to your Honors, that their leading example in ſhewing the moſt implicit ſubmiſſion to your orders, for eſtabliſhing your new adminiſtration, has been of the greateſt uſe in reſtoring that harmony and good underſtanding we have juſt ſpoken of.

But, beſides the general tenor of their behaviour as individuals, of which we have been eye-witneſſes, we beg leave to refer you to the letter ſigned by General Stuart, Meſſrs. Mackay, Palmer, and Floyer, and to the anſwer which we thought proper to make to theſe Gentlemen, who, for the peace of the Settlement, and with a view to the welfare of your affairs, have agreed to wave the agitation of queſtions at this time, which muſt neceſſarily have taken our attention from the immediate buſineſs of your government.

* The Inqueſt.

F I N I S.

E R R A T A.

Page 1. laſt line, *for* Monckto, *read* Monckton.
17. line 29. *for* L. Giſon, *read* L. Gipſon.
25. 12. *for* Quarter Surs, *read* Quarter Seers.
35. 36. *for* Subſidar, *read* Subidar.
38. 26. *for* conſcious, *read* cautious.
39. 22. *for* Edward Hughes, *read* Sir Edward Hughes.
56. 22. *for* Lorn Pigot, *read* Lord Pigot.
72. 20. *for* a bile, *read* bile
84. 7. *for* at Major at Horne's, *read* at Major Horne's.
85. 35. *for* Mr. Giſon, *read* Mr. Gipſon.
88. 27. *for* Major Home, *read* Major Horne.
110. 19. *for* I have only obſerve, *read* I have only to obſerve.
162. 32. *for* in an humble legal manner, *read* in an open and a legal manner.
169. 5. *for* Sal Rochelle, Mannacrum, T. & Tamarends, *read* Sal Rochelle, Manna, Cræm. T. & Tamarinds.
190. 11. *for* Mr. Edward Trowd, *read* Mr. Edward Frowd.

ANSWER

TO

A PAPER, intitled, *The Case of Lord* PIGOT,

DISTRIBUTED

At the Door of the HOUSE OF COMMONS,

On MONDAY, the 29th MARCH laſt;

WHEN THE

Conſideration of the Conduct of the Council of MADRAS ſtood the Order of the Day.

On the Part of Mr. STRATTON and the Majority of Council.

Printed 15th APRIL, 1779.

ANSWER

TO

LORD *PIGOT*'s CASE.

THE accidental death of Lord Pigot, during the late unhappy diſturbances at Madras, had, by the artifices and falſehoods of bad men, raiſed a ſtrong and almoſt univerſal prepoſſeſſion againſt the authors of his impriſonment, before the arrival either of themſelves or of the evidence neceſſary to protect them.

That unfortunate event became a powerful and dangerous weapon in the hands of their enemies here; as, by an infamous impoſition on feelings very honourable to the human mind, it enabled them to ſubject their conduct to the dominion of prejudice and paſſion, which would otherwiſe have been impartially meaſured upon the ſcale of political neceſſity and law.

To thoſe who are acquainted with the modes by which prejudices of all kinds are kept up, even when the evidences of their falſehood lie within univerſal reach, and open to the moſt vulgar obſervation, it will not be a ſubject of ſurpriſe, that the Majority of the Council, whoſe juſtification depended upon facts the proofs of which were involved in a long train of circumſtances, and lying at an immenſe diſtance, ſhould be obliged, for a ſeaſon, to rely on the acquittal of their own conſciences and the protection of their friends, without offering any au-

thoritative defence to the Public of their ſuppoſed uſurpation and ſubverſion of the Government of Fort St. George.

They, beſides, thought it their duty to await the deciſion of their immediate ſuperiors, to whom they were in the firſt inſtance reſponſible, and who had directed a regular inquiry to be made into the facts neceſſary to found a judgment on their conduct; a judgment which they would ſtill have awaited, had not an immediate attention to their honour and ſafety obliged them to make this perſonal appeal to the juſtice of their fellow-citizens.

The public diſtribution of a paper, called the Caſe of Lord Pigot, to all the Members of the Houſe of Commons, for the evident purpoſe of precipitately promoting ſome reſolutions hoſtile to their characters and ſafety, laid them under the neceſſity of endeavouring to counteract ſuch purpoſe by the ſame channel; the various publications containing their defence at large, being too voluminous to circulate.

So extraordinary a violation of the chaſte and decent rules of public juſtice alarmed them: they believe it is the firſt public canvas for a criminal proſecution, that ever exiſted in this free country; the firſt indictment againſt Engliſhmen that was ever circulated amongſt the people's repreſentatives at the door of the Houſe of Commons.

When the Houſe, indeed, is aſſembled upon the enaction of public laws, which may involve in their conſequences the infringement of *private* rights, the indulgence of the Legiſlature permits the ſubject to petition it, and even to ſolicit and inſtruct its component members by ſuch a diſtribution of Caſes; but when it is aſſembling to deliberate upon grounds of public policy and juſtice, whether it ſhall deliver up

ſubjects,

ſubjects, though not regularly impeached before them, as victims to more than the laws; to a ſpecies of proſecution repugnant to their ſpirit, and beyond their ordinary powers; for any private individual, on ſuch a public occaſion, actuated by private reſentment, to circulate a falſe and criminal charge againſt the objects of ſuch inquiry, *even in the very hour of judgment*, is an oppreſſion of them, which can only be equalled by the ſtab it gives to the public ſecurity, and the inſult it offers to the Houſe.

They are the more cruelly ſituated on this occaſion, inaſmuch as circumſtances take off from the impreſſion which ſuch an unjuſt and unprecedented conduct would otherwiſe produce in their favour. The feelings of a brother are, in many minds, a full juſtification, and operate even in theirs as an excuſe. It is not their wiſh to inſult *his* feelings, but to prevent *yours* from being abuſed: they, too, have connections, whoſe feelings call for equal attention; the honor of the living is as ſacred a call on humanity and juſtice, as the memory of the dead.

The publication of Lord Pigot's Caſe is profeſſed not to be intended to bias opinion, or to captivate favour, but to conſiſt only of a naked recapitulation of facts, faithfully ſtated in chronological order, *without one argument or inference.*

How far, therefore, the facts are faithfully ſtated, and how far the omiſſion of all argument and inference is a proof of the fairneſs it pretends to, they likewiſe ſubmit to the candour and good ſenſe of the reader.

The charge againſt the Majority of the Council being for an uſurpation and ſubverſion of the Government of Madras, the firſt point

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to be inquired into muſt neceſſarily be, *where*, or *in whom*, this Government ſo uſurped and ſubverted, reſided; becauſe uſurpation and ſubverſion do in this caſe, imply, that a part of the Government had aſſumed a ſupremacy not veſted in it, in derogation of ſome other part of it, in which ſuch ſupremacy either ſingly or concomitantly exiſted.

If the Preſident be an integral ſubſtantive part of the Government of Fort St. George, by which his concurrence becomes neceſſary to every act of the Council, the Majority have erred; and their conduct can admit of no palliation or excuſe, but that of error in judgment, or a miſconception of authority.

If, on the other hand, the Preſident be not an integral part of the Government, but only the firſt in Council, and bound by the acts of the Majority, then it is impoſſible to ſay that ſuch Majority have uſurped or ſubverted the Government: for how can any power be ſaid to be uſurped, which belongs of right to the party exerciſing it, or a Government be ſaid to be ſubverted by the authority of the very powers which conſtitute it?

This, therefore, is not only the obvious iſſue on which to try the charge in queſtion (Lord Pigot himſelf having in fact, aſſumed ſuch power as Preſident), but the iſſue they are expreſsly called upon to join with the writers of his Caſe diſtributed at the door of the Houſe, who ſay, " That Lord Pigot, convinced he had the ſame negative upon the " proceedings of the Council, as the Council had upon the proceedings " of the Governor, and that as no act of his could be an act of Go- " vernment without their conſent, ſo neither could any act of theirs be " an act of Government without his conſent, did not take upon him to " order Mr. Ruſſel to proceed without the conſent of the Majority,

 but

" but confined himſelf to a ſimple refuſal of putting the queſtion, for " taking into conſideration the draught of inſtructions to Colonel Stu- " art, *determined, becauſe he thought it neceſſary ſo to determine,* that " both appointments ſhould take place together, or not to conſent to " the ſending Colonel Stuart, till the Company's pleaſure was " known."

If Lord Pigot by the conſtitution of the Government had ſuch power as is here aſſumed, the Majority of the Council have already pleaded guilty: if he had not, then he was the uſurper and ſubverter, and the Majority of the Council, in reſiſting ſuch illegal claims, were only maintaining the Government againſt his uſurpation and ſubverſion. It is impoſſible for any prejudice, however dark or obſtinate, to deny the fairneſs of this propoſition, as far as it extends to fix the queſtion of legal right; and therefore let it be tried abſtractedly before thoſe facts are ſtated which will bring forward another queſtion, that muſt likewiſe be decided in favour of the Council, before they can be juſtified:

Namely, the political neceſſity which impelled them to extend theſe powers, however legally delegated to them for the ordinary adminiſtration of the Government, to purpoſes beyond the compaſs, and contrary to the intention, of ſuch delegation, in the ſuſpenſion and impriſonment of the Preſident.

For although, where the ſupreme power in a Government that has no ſuperior acts corruptly and contrary to the ends of its eſtabliſhment, there is no tribunal but Heaven to appeal to; yet when one Government is ſubordinate to another, as in the preſent inſtance, the caſe is very different. The Majority of the Council freely admit, that,

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even granting the supreme powers to have been legally vested in them, yet if they exerted such powers to bad purposes, from corrupt motives, the East India Company ought to dismiss them, and the Crown of England ought to punish them. But, on the other hand, although the suspension and imprisonment of Lord Pigot may not be justifiable, as an exercise of the ordinary and provided powers of the Government (since the law will never make a special provision for a case which supposes the Government it establishes to fall off from the ends of its institution); yet if the necessity justified it, if there was no safe middle road between an absolute surrender of all the powers delegated to them, and a vindication of them by an act not technically legal, the East India Company ought to sanctify it by their approbation; and as the courts of justice are bound down to positive institution, and can take no cognizance of political necessity, that reason alone should be sufficient to give them a claim upon the Crown for protection against the consequence of a meritorious illegality, and to entitle them to hope even for an indemnity from Parliament itself, rather than to dread a prosecution from it: a protection which some of the best and greatest men this country ever saw, have been obliged to petition for, to preserve their lives and fortunes from becoming forfeitures to those very laws they had saved from subversion and ruin.

First, then, in *whom* did the Government of Fort St. George reside?

And in deciding this question, it will not be necessary to go, as some have done, upon the general principles of Government, or to compare the deputation of a Company of Merchants with great political Governments, either ancient or modern. The East India Company being incorporated by act of Parliament, derive an authority from their charter of incorporation to constitute inferior Governments, dependent

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on them, for the purpofes of managing their concerns in thofe diftant parts.

Had the Company, at the time the charter was granted, been fuch an immenfe and powerful body as it has fince become, from the trade and profperity of the empire, it might have happened that the forms of thefe governments would have been accurately chalked out by Parliament, and been made part of the charter; in which cafe, the charter itfelf would have been the only place to have reforted to for a folution of any queftion refpecting the powers of fuch governments; becaufe the Company, by the general law of all corporations, could have made no bye-laws or ftanding orders repugnant to it. But, on the other hand, the charter having left them at liberty in this inftance, and not having fixed conftitutions for their territorial governments in India, there can be no poffible place to refort to for the folution of fuch queftions, but to the commiffions of government granted by the Company, their ftanding orders, which may be confidered as fundamental conftitutions, and fuch explanatory inftructions as they may from time to time have tranfmitted to their fervants for the regulation of their conduct. By thefe, and thefe alone, muft every difpute arifing in thefe governments be determined, except fuch as fall within the cognizance of the act of the 13th of Geo. III. for the regulation of the Company's affairs, as well in India as in Europe.

Firft, then, as to the Commiffion of Government, which is falfely and partially ftated in Lord Pigot's Cafe, where the claufe on which they build the moft is made to run thus, "And to the end that he "might be the better enabled to manage all the affairs of them the "faid Company, they appointed certain perfons therein named to "be of their Council at Fort St. George;" thefe words would cer-

tainly imply the Prefident to be an integral and fubftantive part diftinct from the Council. But, unfortunately, no fuch words are contained in the Commiffion of Government, which fpeaks a very different language, almoft in itfelf conclufive againft the propofition they wifh to eftablifh.

The words are, " And to the end that the faid George Lord Pigot " might be the better enabled to manage all the affairs of us the faid " Company, we do conftitute and ordain George Stratton, Efq; to be " *fecond* in our Council of Fort St. George, to wit, to be next in the " Council after our faid Prefident, George Lord Pigot." It is impoffible for the Englifh language more plainly to mark out the Prefident to be merely the *firft* in Council, and not an integral, fubftantive part, affifted by a Council; for, in fuch cafe, Mr. Stratton, the Senior Councillor, would, it is apprehended, be called the *firft* in Council, inftead of the *fecond* in Council; to wit, next after the Prefident. And this claufe in the Commiffion, fo explained, not only goes far by itfelf to refift the claim of independency in the Prefident, but takes off from the ambiguity and uncertainty which would otherwife cloud the conftruction of the claufe that follows, *viz.* " And we do hereby give and " grant unto our faid Prefident and Governor, George Lord Pigot, " and to our Council afore-named, or the major part of *them*, full " power and authority," *&c. &c.* The Prefident and Council being here named diftinctly, the word *them* without the foregoing claufe might feem to conftitute the Prefident an integral part, and feparate from the Council; but the Prefident having been before *conftructively* named as the firft in Council, Mr. Stratton, though the Senior Councillor, being exprefsly named the *fecond*, it is plain the word *them* fignifies the Majority of fuch Council, of which the Prefident is the firft, and who is named diftinctly, not only by way of pre-eminence, but

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because all public bodies are called and described by their corporate names, and all their acts witnessed by their common seals, whatever their internal constitutions may be. No heads of corporations have, by the common law of England, any negative on the proceeding of the other constituent parts, unless by express provision in their charters. Yet all their powers are given to them, and exercised by them, in their corporate names; which ever makes the head a party, although he may be dissentient from the act that receives authority from his name.

The standing orders of the Company, published in 1687 and 1702, which may be considered as fundamental constitutions, are plain and unequivocal. They enjoin, " That all their affairs shall be transacted in Council, and ordered and managed as the *Majority of the Council* shall determine, and not otherwise, on any pretence whatsoever." And again, " That whatever is agreed on by the Majority shall be the order by which each one is to act; and every individual person, even the dissenters themselves, are to perform their parts in the prosecution thereof."

The agreement of the Majority being denominated an order, shews as clearly as language can do, that obedience is expected to their determination; and it is equally plain, that no constituent Member of that Government can frustrate or counteract such order, since each individual, even the dissenters themselves, are commanded to act in conformity to it, and to perform their parts in the prosecution thereof. In writing to dispassionate men, it is almost needless to add any arguments to shew, that the President's claim to refuse to put a question adopted by a Majority of Council, stands upon the very same grounds as his claim to a negative on their proceedings; and that if the first

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be overturned, the second must fall along with it: for if he be not an integral part of the Government, and his concurrence be consequently not necessary to constitute an act of it, then his office as President, *with respect to putting questions*, must necessarily be only ministerial, and he cannot obstruct the proceedings by refusing to put them; for if he could, his power would be equal, in effect, to that of an integral part; and it would be a strange solecism indeed, if at the same time that all the affairs of the Government were to be managed and ordered by the opinions of a Majority, the President could prevent such opinions from ever being collected; and at the same time that their acts would bind him, could prevent such acts from ever taking place.

But it is altogether unnecessary to explain by argument and inference, that which the Company, who are certainly the best judges of their own meaning, have explained themselves in absolute and unequivocal terms by their instructions sent by Mr. Whitehill to Madras, explanatory of the new commission, by which they expressly declare the Government to be in the major part of the Council; giving the President, or the Senior Councillor in his absence, a casting vote; and direct that every question proposed in writing by any Member of Council shall be put by the Governor, or, in his absence, by the senior Member acting as President for the time being; and that every question carried by a majority shall be deemed the Act of the President and Council.

Had these regulations been made part of the new commission, they might have been considered as a new establishment, and not as a recognition of the former Government; and consequently such regulations, subsequent to the disturbances, could be no protection for the Majority acting under the former commission. But the caution of the East-India Company to exclude the possibility of such a construction is most striking

and remarkable. Sitting down to frame a new commiſſion, under the immediate preſſure of the difficulties that had ariſen from the equivocal expreſſions of the former, they, nevertheleſs, adopt and preſerve the very ſame words in all the parts on which the diſpute aroſe; the two commiſſions differing in nothing, except in the ſpecial preamble reſtoring Lord Pigot. And the object of this caution is ſelf-evident; becauſe if, inſtead of thus preſerving the ſame form, and ſending out collateral inſtructions to explain it, they had rendered the new commiſſion more preciſe and unequivocal by new modes of expreſſion, it would have carried the appearance of a new eſtabliſhment of what the Government ſhould in future be, and not as a recognition and definition of what it always had been. But by thus uſing the ſame form of commiſſion, and accompanying it with explanatory regulations, they, beyond all diſpute, pronounced the former commiſſion always to have implied what they expreſsly declare the latter to be; as it is impoſſible to ſuppoſe, that the Company would make uſe of the ſame form of words to expreſs delegations of authority diametrically oppoſite to each other.

Indeed, the uniform determinations of the Directors on every occaſion where this queſtion has been referred to them, have been in favour of the Majority of Council. Even ſo late as the 21ſt April 1777, ſubſequent to the diſturbances at Madras, it will be found upon their records to have been reſolved by ballot, "That the powers "contended for, and aſſumed by Lord Pigot, are neither known in "the conſtitution of the Company, nor authoriſed by charter, nor "warranted by any orders or inſtructions of the Court of Directors." It is clear, therefore, beyond all controverſy, that the Preſident and Council were at all times bound and concluded by the deciſion of the Majority; and that it was his duty to put every queſtion propoſed by any member of the board.

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To all this, however, they are aware it may be anſwered, That it does not follow, becauſe the Preſident has no negative, and becauſe he is bound in duty to act miniſterially in putting every queſtion regularly propoſed by a member, that therefore, on his refuſal, they may act validly without him; that there are many corporations in England, in which the head, although he has no negative on the proceedings of the other conſtituent parts, muſt, neverthelеſs, be preſent, and aſſiſting miniſterially in all acts of the corporation, without which they are invalid; and that although the head refuſes to act, they cannot aſſemble and act without him. This is indiſputably true, but it cannot by the remoteſt analogy apply in common ſenſe to the caſe in queſtion; becauſe no caſe of neceſſity can ever by any poſſibility occur, in England, to juſtify the moſt upright proceeding of a public body out of technical form; becauſe if the head of any corporation in England, whoſe preſence or miniſterial aſſiſtance is neceſſary to an act of it, refuſes to be preſent, or to do that act without which all buſineſs would ſtop, and the ends of the corporation be fruſtrated and defeated, the ſuperior powers of the Government are at hand to compel him. The Court of King's Bench will inſtantly enjoin him, by mandamus, to do the ſpecific act which it is his duty to do, and will impriſon him if he refuſes. The legal remedy, therefore, excludes the neceſſity, which can alone vindicate the irregularity. But in ſubordinate Governments, placed at the oppoſite ſide of the globe from the fountains of their authority, the caſe is very different: The ruling powers of ſuch Governments, although they are bound to act in ſtrict form as long as each part by acting up to the ends of its eſtabliſhment will permit ſuch forms to operate; yet when they can no longer operate, the ruling powers muſt either ſurrender their truſts, and ſuffer the Government to be annihilated (there being no ſuperior coercive authority to compel the refractory part to perform its duty), or elſe they muſt, at their own diſcretion, de-

vife fome other form to exercife the powers vefted in them, *at their difcretion*; becaufe, as has been already faid, exprefs provifion is never made for cafes which fuppofe the Government eftablifhed to fall off from the ends of its inftitution.

The ordinary powers of the Government of Madras being thus proved to have refided in the Majority of the Council, it now only remains to fhew, by a fhort ftate of facts, the neceffity which impelled the extraordinary, and otherwife unwarrantable, exercife of fuch powers, in fufpending and imprifoning Lord Pigot; for they once more enter a proteft againft being thought to have affumed and exercifed fuch power as incident to their commiffion while the Government fubfifted. It is their bufinefs to fhew, that as long as the Government continued to fubfift, they faithfully acted their parts in it; and that it was not till after a total fubverfion of it by an arbitrary fufpenfion of the governing powers, that they afferted their own rights, and reftored the Government by reaffuming them.

It would be wholly to defeat the purpofe of thefe pages, were they to fwell them beyond the compafs of curfory inveftigation, by minutely tracing the caufes of thofe differences in opinion which gave rife to the difturbances in the Government of Madras, or all the progreffive ftages which brought them to the crifis in queftion.

Such details would be very effential, as a juftification of their conduct to the Company, and are already to be found at length upon their records: they have likewife been confidered by theirs and the Nation's fuperintending Servants in India, the Supreme Council at Bengal, who have approved of the conduct of the Majority. And it will be matter of high rejoicing and fatisfaction to them, to fee thefe matters brought likewife before a Committee of the Nation's Re-

prefentatives

prefentatives here, if there fhall appear to the Houfe to be grounds to call for them. It is not their wifh to fkulk from inquiry, but to efcape from prejudice: All that is defigned by thefe Obfervations is, by placing themfelves upon legal grounds, and by fhewing that the acts they did were neceffary for the difcharge of the high trufts delegated to them by the Company, to throw it upon their accufers to prove a corrupt abufe of them, that they may not be haftily delivered over to the ignominy of a public profecution, without evidence of their guilt.

They will, therefore, confine themfelves to the inftances in which the Prefident claimed an authority which appeared to them to be fubverfive of the Government, and which they could not fubmit to, without a high breach of truft to the Company; and by faithfully reciting the confequences that followed from their maintaining the authority of the Government againft Lord Pigot's illegal and arbitrary ufurpations, fubmit it to the Reader, how far men are to be proceeded againft as criminals, for acts impofed upon them by public duty.

The Writer of Lord Pigot's Cafe admits, that on the 8th of July he refufed, as Prefident, *to put a queftion* to the Board (upon the regular motion of a Member) for refcinding a refolution before entered into. This refufal left the Majority no choice between an abfolute furrender of their trufts, and an exercife of them without his minifterial affiftance. Not that they admit fuch affiftance to be neceffary by the conftitution of the Government, which declares the acts of the Majority to be acts of the Prefident and Council, though he be diffentient. But taking it to be neceffary (in order to prevent all cavil), ftill there was no other alternative, in the abfence of a fuperior coercive authority to compel him to a fpecific performance of his duty. But they proceeded no farther than the neceffity juftified; they did not extend

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the irregularity (if any there was) beyond the political urgency of the occaſion. Although their conſtitutional rights were infringed by the Preſident's claim, they formed no plan for their general vindication, but contented themſelves with declaring on that particular occaſion, that as the Government reſided in them, the Preſident ought not to refuſe putting the queſtion; and that the reſolution ought to be reſcinded.

When the Preſident again refuſed to put the queſtion, in the month following, for taking into conſideration the draught of inſtructions to Colonel Stuart (which was the immediate cauſe of all the diſturbances that followed), they again preſerved the ſame moderation, and never dreamt of any further vindication of their authority thus uſurped, than ſhould be abſolutely neceſſary for the performance of the truſts delegated to them by the Company, which they ſhould have conſidered as treachery to have deſerted. They lamented the neceſſity of departing even from form; and therefore, although the Preſident's reſolution to emancipate himſelf from their conſtitutional controul, was avowed upon the public Minutes of the Conſultation, they firſt adjourned without coming to any reſolution at all, in hopes of obtaining formality and regularity to their proceedings, by the Preſident's concurrence. Diſappointed in that hope, by his perſevering to refuſe, and driven to the neceſſity of either ſurrendering their legal authority, or of deviſing ſome other means of exerciſing it, without his perſonal concurrence, having (as before obſerved) no proceſs to compel him to give it, they paſſed a vote, approving of the inſtructions; and wrote a letter to Colonel Harper, containing orders to deliver the command to Colonel Stuart; but did not proceed to ſign it at that Conſultation, ſtill hoping, by an adjournment, to gain Lord Pigot's ſanction to acts

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legal in all points by the conſtitution of the Government, except perhaps in wanting that form which it was his duty to give them.

The uſe which Lord Pigot made of this ſlowneſs of the Majority to vindicate the decided rights and ſpirit of the Government by a departure from even its undecided forms, notwithſtanding the political neceſſity which aroſe ſingly from his own illegal refuſal, is very luckily recorded by one of his Lordſhip's particular friends in Council, and a party to the tranſaction. As it would have been otherwiſe too much to have expected full credit to it from the moſt impartial mind: they therefore give it in Mr. Dalrymple's own words, and deſire no other indulgence from the reader, than to keep in his recollection, while he reads it, the propoſition by which they muſt ſtand or fall, and which, they truſt, is already in full proof; namely, that the Government reſided in the Majority, and that their acts were binding on the Preſident and Council.

" It had been diſcuſſed, ſays Mr. Dalrymple, *before the Council* " *met*, what meaſures could be taken to ſupport the Government eſta- " bliſhed by the Company, in caſe the Majority ſhould ſtill perſiſt in " their reſolution to come to no compromiſe, or reference of the mat- " ter in queſtion to the deciſion of the Court of Directors, but to " carry things to extremity. One mode occurred to Lord Pigot, viz. " by putting Colonel Stuart in arreſt, if he obeyed an order without " the Governor's concurrence. To this many objections aroſe. Co- " lonel Stuart might contrive to receive the orders without the garri- " ſon; and conſequently, by the new military regulations, not be " liable to the Governor's arreſt. If he was arreſted, the Majority " would of courſe refuſe to iſſue a warrant for a Court-martial, and " confuſion and diſgrace muſt be the conſequence.

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" The only expedient that occurred to any of us was, to ground " a charge, in caſe of making their declaration, in the name of the " Council, inſtead of the Preſident and Council: but here an appre- " henſion aroſe, that they would ſee this impropriety, and expreſs " their order, not in the name of the Council, as they had hinted, " but in the name of the Preſident and Council, maintaining that the " Majority conſtituted the efficient Board of Preſident and Council. " In this caſe we could deviſe no meaſure to be purſued conſiſtent with " the rules of the ſervice; but Lord Pigot ſaid, there was no fear of " this, as he inſiſted the Secretary would not dare to iſſue any order in " his name, when he forbade it.—It was impoſſible to know whether " Sir Robert Fletcher would attend or not; it was neceſſary to have " every thing prepared, *that nothing might be to be done in Council.* " The Company's orders required the charge to be in writing: *the* " *Governor, therefore, had in his pocket charges prepared for every* " *probable contingence,* whether they began at the eldeſt or the " youngeſt, and whether the form was an order from themſelves, or " an order to the Secretary, and whether Sir Robert Fletcher was " preſent or not; it was agreed that the firſt of us, to whom the " paper was preſented for ſigning, ſhould immediately hand it to the " Preſident, who was then to produce the charge. The ſtanding or- " ders directing, that Members againſt whom a charge is made, ſhould " have no ſeat, the Members charged were of courſe deprived of their " votes. As our ideas went no farther than *relieving the Governor* " *from the compulſion the Majority wanted to lay him under,* it was " determined to ſuſpend no more than the neceſſity of the circumſtance " required."

With this ſnare laid for them, during the interval of that adjournment which their moderation had led them to, the Council met on the 22d of Auguſt, and, after having recorded their diſſent from the Preſi-

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dent's illegal claim to a negative on their proceedings, by refusing to perform his part in the prosecution of them (though strictly enjoined thereto by the standing orders of the Company), and in which refusal he still obstinately persisted; they entered a minute, declaring it as their opinion, that the resolution of the Council should be carried into execution without further delay, and that the instructions to Colonel Stuart, and the letter to Colonel Harper, should be signed by the Secretary, by order of Council.

This minute was regularly signed by a Majority, and the President having again positively refused his concurrence, they prepared the following letter to Mr. Secretary Sullivan:

SIR,

"WE, *the Majority of the Board*, having approved of the instruc-
"tions to Colonel Stuart, and the letter to Lieutenant-Colonel Harper;
"and the President not only having refused to sign the same himself,
"but also refused to order you to do it; we are reduced to the disagree-
"able necessity of directing you to sign the said instructions and letter,
"by order of Council, and send them to Colonel Stuart."

The letter thus written *in the name of the Majority*, and under their most public and avowed auspices, it was the immediate purpose of all of them to have signed, in pursuance of the minute they had just before delivered in, expressive of their authority to that purpose. But the President, according to the ingenious plan preconcerted during the adjournment, snatched the paper from Mr. Brooke after he and Mr. Stratton had signed it, before the rest of the Majority could put their names to it; and pulling a written accusation out of his pocket, charged them as being guilty of an act subversive of the government, put the question of suspension on both at once, and ordered the Secretary

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tary to take neither of their votes; which, according to Mr. Dalrymple's œconomical ſcheme of illegality, exactly got rid of the Majority by his own *(the accuſer's)* caſting-vote.

The weakneſs and abſurdity of the principle (if it deſerves the name) on which this ſuſpenſion was founded, creates a difficulty in ſeriouſly expoſing it by arguments: yet as it produced all the conſequences that followed, they cannot diſmiſs it without the following remarks.

Firſt, it was a groſs violation of the conſtitution of the government, even admitting him to have been that integral part of it which he aſſumed to be; for the eſtabliſhment of that claim could only have given him a negative on the proceedings of a Majority, but never could have enabled him to fabricate one ſo as to do poſitive acts. The ſudden charge and ſuſpenſion of Meſſrs. Stratton and Brooke, and breaking the Majority by putting the queſtion on both at once, would therefore have been irregular, even ſuppoſing the concurrence of the Majority to the act which conſtituted the charge againſt them to have been unknown to Lord Pigot, and the Minority who voted with him. But when their concurrence was perfectly known; when the Majority of the Board had juſt before publicly delivered in a minute expreſſive of their right to authoriſe the Secretary to ſign the order, if the Preſident refuſed to do it; when the order was avowedly drawn out in purſuance of that minute, which made the whole one act, and was in the regular courſe of ſigning by the Majority, who had juſt before declared their authority to ſign it; the ſnatching the paper under ſuch circumſtances, while unfiniſhed, and arraigning thoſe who had already ſigned it under the auſpices of the Majority, as being guilty of an act ſubverſive of the government lodged in that Majority, and turning it

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into a Minority by excluding the votes of the parties charged, was a trick upon the governing powers, which they could neither have submitted to with honour to themſelves, or duty to their employers.

Mr. Dalrymple is indeed every way unfortunate in his ſtate of this extraordinary proceeding. *His* party might with great reaſon charge *him* with an act ſubverſive of *their* government; for he overturns the very principle on which they alone pretend to have acted. He confeſſes an apprehenſion leſt the Majority ſhould have expreſſed their order, not in the name of the Council, as they had hinted, but in the name of the Preſident and Council, maintaining that the Majority conſtituted the efficient Board of Preſident and Council; in which caſe, ſays he, we could not have purſued any meaſure conſiſtent with the rules of the ſervice. What is this but admitting the government to be in the Majority, and that the Preſident has no negative? For if the government was not in the Majority, and the Preſident had a negative, then ſuch an order to the Secretary, ſigned by the Majority, to do an act without the Preſident's concurrence, would have been moſt evidently equally ſubverſive of the government, whether the Preſident were named in it or not; for how could uſing the Preſident's name cure the criminality, if they had no authority to uſe it? On the contrary, the preſumption of putting his name to an order which they could not poſſibly have an authority to make at all, in any form whatever, without his concurrence, if he had a negative on their proceedings, would have made the act more criminal than iſſuing it without his name. It is impoſſible, therefore, to deny, that Mr. Dalrymple, when he admits the impoſſibility of deviſing a regular charge, if the Majority had iſſued their order in the name of the Preſident and Council, likewiſe admits the right of the Majority ſo to have iſſued it; a right which they could not poſſibly have by any conſtruction of law, if the Preſident had a negative on their proceedings.

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Thus, by their own ſtate of the caſe, the error was merely in form, and not in ſubſtance; an objection which is altogether abſurd, when it is reflected, that the right of changing forms is incident to the Supreme Power, wherever it is lodged. The Supreme Legiſlative Power may at any time alter the executive; which is the reaſon that in England the King is made a branch of it, to protect the independency of the Prerogative, which would otherwiſe be at the mercy of the two Houſes of Parliament, who might place the execution of the laws in any hands they pleaſed. If, therefore, the Majority of the Council were inveſted with the ſupreme governing powers at Madras, and the Preſident was not an integral part, but bound by their acts; then, however they might be amenable to the Company for changing the executive form they had preſcribed to them (which they readily admit themſelves to be, and only juſtifiable by the neceſſity), yet they could not poſſibly be called to an account there by any members of the Council; becauſe any charge by the inferior powers of a government againſt the powers conſtituting it, for an act ſubverſive of it, is an abſolute contradiction in terms, and wholly unintelligible.

Such a power, however, Lord Pigot aſſumed over the Government of Fort St. George, by converting an act of the Majority, rendered neceſſary by his refuſal to do his duty, into a criminal charge againſt two Members acting under their authority; and by a trick too ſhallow to impoſe on the meaneſt underſtanding, cut them off from acting as part of that Majority; by which the powers of the Government were ſubverted and paſſed away from them, while they were in the very act of ſaving them from ſubverſion.

They truſt that, to candid men, it is unneceſſary to ſay that they were neither called upon in duty, nor even authoriſed, had they been

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willing, to attend the ſummons of a Board ſo conſtituted by the fouleſt uſurpation; a Board at which they muſt either have ſacrificed their conſciences and judgments, or become the vain oppoſers of meaſures deſtructive to the intereſts of their employers. They therefore aſſembled, and anſwered the illegal ſummons by a public proteſt againſt the uſurped authority by which it iſſued. To this Council, aſſembled for the ſingle purpoſe of ſending ſuch proteſt, they did not indeed ſummon the ſubverters of the Government, againſt whom it was levelled; affairs were arrived at too dangerous a criſis to ſacrifice ſubſtance to forms, which it is impoſſible ſhould have been regarded. Lord Pigot and his aſſociates, on receiving the proteſt againſt the proceedings of the 22d of Auguſt, completed the ſubverſion of the Conſtitution, by the ſuſpenſion of the reſt of the Majority of the Council; and ordered Sir Robert Fletcher, the Commander in Chief, to be put under arreſt to be tried by *a Court-martial*, for aſſerting the rights of the *civil* Government as a Member of the Council. This was a criſis in which it was neceſſary to act with deciſion, and in aſſerting their rights, by civil authority, to ſave the impending conſequences of tumult and blood. The period of temporiſing was paſt; and there was no doubt of what it was their duty to do. Charged with the powers of the Government, they could not ſurrender them with honour; and it was impoſſible to maintain them with ſafety or effect, while their legal authority was treated as uſurpation and rebellion.

They therefore held a Council, and agreed, that the fortreſs and garriſon ſhould be in their hands, and under their command, as the legal repreſentatives of the Company; and as there was every thing to dread from the intemperance of Lord Pigot's diſpoſition, they at the ſame time authoriſed Colonel Stuart to arreſt his perſon, if he thought it neceſſary to preſerve the peace of the Settlement.

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The manner in which Colonel Stuart performed this difficult and critical ſervice has been the cauſe of much cruel and groundleſs calumny againſt him; but from which, however, he has ſo ably defended himſelf, and has had the vindication of a Brother of ſuch great abilities and deſerved popularity, that it is unneceſſary to enlarge upon that head; more eſpecially as his conduct is not the preſent ſubject of inquiry. This impriſonment is the only part of their Caſe which does not ſtand upon the baſis of law; and therefore they do not attempt to cover it by a legal juſtification. But the juſtneſs of the motives, the urgency of the neceſſity, and the moderation of the execution, they truſt, cannot fail to operate as a complete indemnity.

The ſhocking inſinuation conveyed by the concluding ſentence of the Caſe, founded upon the judgment of an infamous tribunal (which has been already branded as illegal, and the conſpirators of which they are preparing to bring to juſtice), is unworthy of an anſwer.

The public manner in which Lord Pigot was permitted to live in the midſt of his friends, and the repeated offers made to him of liberty, if he would leave Madras, it being dangerous to give him that liberty there, are facts ſufficiently notorious. No event indeed could in its iſſue be ſo unfortunate for them as his death. They had no perſonal enmity towards him, and it has furniſhed malice with the moſt cruel weapons againſt them. It has ſtirred up private enmity to warp the courſe of public juſtice; ſhut up the boſoms of ſome, whoſe benevolence might have ſhielded them; and blinded the underſtandings of others, whoſe wiſdom might have pleaded their cauſe.

They are confident, however, that ſuch arts will make no impreſſion on the auguſt body, to whoſe deciſion they ſincerely thank their enemies

mies for submitting their conduct; inasmuch as It can protect their innocence, if It finds it; whereas the Courts below could only, perhaps, mitigate a punishment they might be bound without moral guilt to inflict. They are convinced the English House of Commons will not hastily, and without inquiry, deliver over men to the laws, who avow that they have violated them from public necessity, called upon by a duty paramount to the common obligations of obedience they owed to them as private men. They are well assured, that they will reflect upon the hardships they would entail on the most useful Servants of the State, if the superior duty were left without protection from the law against the infringement of the inferior. They will look back to their own statutes, which stand as eternal records of the protection which Parliament has afforded to good men, from the punishment which virtuous laws and virtuous judges must otherwise have inflicted upon virtue, and grant them protection, if they be found undeserving of punishment.

They have no boon to ask, but that which Englishmen may boldly ask from their own representatives: Not to condemn them unheard; not to send them down to trial, under such circumstances, with the prejudice of a vote of the House of Commons against them, without evidence of something more than illegality; which, in the issue, may prove meritorious, after they are in the hands of the prerogative, and out of the reach of their protection.

F I N I S.

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